

903, of East St. Louis, Ill., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Hy. P. Stumpf, of New Hanover, and others; Ed. N. Herman and others, of New Athens; D. F. Miller and others; George Talbert and others, of Smithton, Ill., favoring House bill 9206—to the Committee on Agriculture.

By Mr. MAYNARD: Resolutions of Plumbers and Steam Fitters' Union, of Norfolk, and Lodge No. 441, Association of Machinists, Portsmouth, Va., favoring restrictive legislation on immigration—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petitions of Mine Workers' Union No. 1507, of Eckley, and No. 8914, of Wilkesbarre, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Street Railway Union No. 164 and Plumbers' Union No. 147, of Wilkesbarre, Pa., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Polish Young Men's Alliance of Glen Lyon and Society No. 47 of Nanticoke, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. REID (by request): Paper to accompany House bill 5240, being proof of the service of Capt. Jeff Williams's company—to the Committee on Military Affairs.

By Mr. SKILES: Petition of Core Makers' Union No. 90, of Mansfield, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of the Waterbury Business Men's Association, of Waterbury, Conn., relative to railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. SPIGHT: Papers in support of House bill 14043 granting a pension to John B. Banghman—to the Committee on Pensions.

By Mr. SUTHERLAND: Resolutions of Machinists' Lodge No. 127, Locomotive Firemen's Lodge No. 98, Boiler Makers' Lodge No. 198, all of Ogden; Railway Trainmen's Lodge No. 888, and Locomotive Engineers' Lodge No. 222, of Salt Lake, Utah, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Papers in support of House bill granting a pension to James J. Wilson—to the Committee on Invalid Pensions.

## SENATE.

MONDAY, April 28, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a list of books and papers not needed in the transaction of public business and of no permanent value to the Department; which, with the accompanying papers, was referred to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

### BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, reports for the years 1900 and 1901 of the Baltimore and Washington Transit Company of Maryland; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

### G. FINLEY SMITH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of G. Finley Smith, administrator of David Smith, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5111) granting an increase of pension to James G. Bowland; and

A bill (H. R. 5711) granting an increase of pension to James R. Brockett.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan;

A bill (H. R. 2063) amending an act creating the middle district of Pennsylvania;

A bill (H. R. 5183) granting an increase of pension to William Holdridge;

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City;

A bill (H. R. 12797) to ratify an act numbered 65 of the twenty-first Arizona legislature;

A bill (H. R. 13076) to apportion the term of office of senators elected at the first general election in the Territory of Hawaii; and

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor.

The message further transmitted to the Senate resolutions of the House of Representatives commemorative of the life and services of the Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

The message also transmitted to the Senate resolutions of the House of Representatives commemorative of the life and services of Hon. J. WILLIAM STOKES, late a Representative from the State of South Carolina.

### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of New York, praying for the adoption of an amendment to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Audubon Society of the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the East Side Republican Club, of New York City; of the New York Produce Exchange, of New York City; of the executive board of the Bricklayers' Unions of New York City, and of the Republican Club of the Eighteenth Assembly District of New York City, all in the State of New York, praying for the enactment of legislation increasing the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURNER. Mr. President, I present a petition on the subject of Chinese exclusion, from the Chinese Exclusion Commission of the State of California, signed by the president and secretary of that commission. Inasmuch as the commission is the organ of the State of California and the matter to which the petition is directed is now pending before Congress, I ask unanimous consent that it may be published in the RECORD for the information of the Senate.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows;

### To the Congress of the United States:

In pursuance of the trust reposed in us by the State of California and the citizens of that Commonwealth represented in convention, we respectfully pray that the Kahn-Mitchell Chinese-exclusion bill, which has passed the House of Representatives, be adopted, and that the Platt substitute bill, which has passed the Senate, be rejected.

### I.

In affirmative support of the petition that the Kahn-Mitchell bill be adopted we urge as that bill:

That it preserves every provision of the present exclusion laws on which the nation is relying for protection against dangerous immigration of Chinese persons; and, by virtue of clear codification, lifts beyond the reach of pending litigation all of such provisions as are now attacked in the Supreme Court of the United States.

That it gives statutory form to a few Treasury rules which should have been statutory always, and which the Bureau of Immigration believes should be made inflexible—rules sharply distinguished from those properly subject to ready alteration.

That it is heedful of the needs springing from acquisition of insular territory since the passage of the exclusion act of 1893, and not only requires (in language not leaving intent disputable) that Chinese persons not of the five treaty-exempted classes shall not enter the insular territory of the United States nor pass thence to the continental territory of the United States nor from one group of islands to another, but provides the machinery for making those prohibitions effective.

That it takes cognizance of unfortunate omissions discovered in the present exclusion laws since 1893 and embodies the appropriate remedial recommendations of the Bureau of Immigration and the Department of Justice.

That it provides protection against the mercenary disregard shown by powerful trans-Pacific steamship corporations for the welfare of Caucasian seamen and the future of the American merchant marine and Navy.

That it contains nothing indicative of a disposition on the part of the United States to modify or to reconsider the exclusion policy, but, on the contrary, by its omission of reference to the year 1904, is in the nature of a notice to the Chinese Empire that this Republic will not in that year ask that the Gresham treaty be then terminated, and will not look with favor on denunciation of that convention by the Emperor of China.

That it has the hostility of those transportation companies, both of land and sea, which from the beginning have antagonized the exclusion policy and which profit in ratio to the defectiveness of the nation's laws relating to undesirable immigration.

That it is opposed by that little group of California capitalists to whom the exclusion policy always has been hateful.

That it comes out of the West, and in its every stage has had the cordial and unwavering support of the tried friends of the exclusion policy.

That its administrative features have the approval of the Bureau of Immigration.

That it has the emphatic indorsement of the author of the Geary Act.

That in the House of Representatives it has the support of every member from the Pacific coast except one, and in the Senate a corresponding bill has been given the support of every Senator from the Pacific coast except one.

That not only is it expressive of the will of the section most familiar with the Chinese question, but hundreds of thousands of the wage-earners of States not directly afflicted with colonies of Chinamen have petitioned the Congress to make it law.

## II.

We represent that the Platt bill should be rejected for these reasons:

First. It is not certain that it preserves all of the provisions of the present exclusion laws, and this because (a) the act of September 13, 1888, may be invalid for nonratification of the treaty mentioned in it, and if invalid may be incapable of cure by the language of the bill in that regard; (b) if the act of 1888 be invalid, but can be validated by the language chosen that language would revive the condition precedent by which the trouble was originally caused; (c) the restriction that the text of the Gresham treaty shall be the measure of the laws (and therefore the Treasury rules and regulations) continued in force by the bill might prove to be a restriction cutting away much of the law and practice essential to accomplish what the Government is doing; for though the present statutes and substantially all of the present Treasury rules and regulations were within the knowledge of the negotiators of the treaty of 1894, and though that treaty was intended to give an international sanction to them not afforded by the treaty of 1880, nevertheless it might be argued, in the light of the recent Senate debate on the Chinese question, that the Congress intended by the Platt bill to retire from the position of reading the laws and practice of 1894 into the convention of that year and to cut the exclusion policy to the precise letter of that treaty.

Second. It adds another element of confusion to the disorder of the exclusion laws (laws now scattered in nine acts of Congress), and postpones necessarily the work of codification.

Third. It leaves subject to ready change primary Treasury rules (for instance, those defining the "exempt" classes of Chinese persons) that should never have been left subject to easy change and that ought to be given statutory form at the earliest possible time.

Fourth. It is open to dispute concerning the movements of the Philippine Chinese in that it may be argued that unless expressly included in the general prohibition those Chinese laborers who were in the archipelago at the time of the cession to the United States could not be affected by it, because possessed of rights whereof they could not be divested by implication in that the general prohibition is not stated with desirable clearness, and in that the machinery for making the prohibition effective is not sufficiently provided.

Fifth. It does not define the term "Chinese" so that it shall necessarily include persons of mixed blood as well as those of the full blood, and this omission renders the protection of Hawaii, Porto Rico, and the American mainland against the Philippine Chinese of little practical value, because there are hundreds of thousands of persons having a mixture of Chinese and Filipino blood, and this fact will lead naturally (if the Platt bill be adopted) to the practice of claiming a strain of Filipino blood as the "open sesame" to forbidden territory.

Sixth. It neglects to give the country the benefit of the Government's experience since 1893; and in this respect is notably advantageous to the American and foreign corporations, the Chinese highbinders, and others now profiting by the extensive smuggling of Chinese laborers across the Canadian and Mexican boundaries of the United States.

Seventh. It refuses to give just protection to the American seamen against that corporate greed which is relentlessly driving them from the Pacific Ocean and making American ships training schools for an Asiatic navy.

Eighth. It holds the qualities of an invitation to China to denounce the Gresham treaty in 1904.

Ninth. It has the endorsement of the railway and steamship companies hostile to the exclusion policy, and their lobbyists have been its most industrious friends.

Tenth. It has the hall-mark of those California capitalists (and of no other Californians) who would rejoice to see the exclusion policy weakened or destroyed.

Eleventh. It came out of New England in a spirit of intolerance of the bill put forth by the West.

Twelfth. It lacks the approval of the Government's experts in the departments having to do with Chinese immigration.

Thirteenth. It has been directly condemned by the author of the Geary Act.

Fourteenth. In the Senate, where alone it has been debated, it has been opposed by the foremost friends of the exclusion policy, including every Senator from the Pacific coast except one.

Fifteenth. Not only is it in opposition to the will of the section most vitally interested in the racial and industrial problem to which it relates, but it has been expressly denounced by organized labor throughout the country, regardless of State lines.

## III.

We believe that the policy of excluding from American territory all Chinese persons who are hurtful of the laboring classes of this country should be continued, whatever may be the will or the interest of China, and that American commerce should know beyond doubt that its growth is not to be encouraged by such means as require modification or abandonment of that policy. Our highest duty as a nation is to prevent impairment of the welfare of our common people and to remove obstacles to their further progress, for the value and the distinction of America are not so much in its wealthy and leisure orders as in its toilers.

We can not but regard the Platt bill, its painful and reluctant evolution considered, as saying to the world that the Congress, in so far as it favors that measure, is disposed to hesitate; is inclined to reopen the question in 1904; is willing to weigh the exclusion system against bolts of cloth and tins of kerosene; is leaning with somewhat of longing toward the cheap and servile labor of the yellow race; is tempted to resolve in favor of that race and against the workers of America every shadow of doubt on niceties of international comity.

If it be said that the bill we favor is severe in its provisions, we answer that it is not more so than the present laws and practice. If it be urged that some of the present laws and practices are repugnant to the Gresham treaty, we reply that the most rigorous of the existing rules were established prior to the signing of that treaty and that it is highly improbable the United States would have ratified the convention had it not been assumed as of course that there was no disposition on the part of the Chinese Empire to regard the treaty as repealing them.

Neither the present laws and practices nor the bill we advocate can be said to be needlessly harsh. The severities are such only as experience has demonstrated to be essential to keep out of American territory those Chinese persons China and the United States have solemnly agreed shall not come within this country. The wonderful deceptiveness of the oriental makes it

imperative that the exclusion laws be designed with a view to Asiatic cunning and deceit; and condemnation is not justly to be visited on the American people for enacting and enforcing such laws, but is due the people whose bad faith imposes on this nation the need of them.

Hopeful that the Congress will give this subject such careful consideration as shall persuade it of the value and temperateness of the Kahn-Mitchell bill and disclose to it the weakness and inadequacy of the Platt bill, your petitioners subscribe themselves, with much respect to the distinguished body addressed,

CHINESE-EXCLUSION COMMISSION OF CALIFORNIA,  
By JAMES H. BUDD, *Chairman*,  
EDWARD J. LIVERNASH, *Secretary*.

WASHINGTON, D. C., April 23, 1902.

Mr. HARRIS. I present a telegraphic dispatch from the Kansas Millers' Association, relative to relief being granted to them through reciprocity concessions. I ask that the dispatch may be read and referred to the Committee on Foreign Relations.

There being no objection, the dispatch was read, and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

WICHITA, KANS., April 27, 1902.

Hon. W. A. HARRIS, *Senate, Washington*:

Kansas millers, on account of foreign discriminations, with the best wheat in the world at their door, are not producing over one-third of their capacity. Unless your Committee on Foreign Relations can give us relief through reciprocity concessions, placing our millers on an equal basis with foreign mills, many of our mills will shut down indefinitely and some of them will be forced to the wall. In our distress we look to our Senators for relief.

GEORGE M. RANDALL,  
*Secretary Kansas Millers' Association.*

Mr. DUBOIS presented a petition of sundry citizens of Idaho County, Idaho, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Bricklayers' Local Union No. 22, of Danville; of Local Union No. 158, of Chicago; of Sheep Butchers' Local Union No. 149, of East St. Louis; of Local Union No. 268, of Murphysboro; of Bakers and Confectioners' Local Union No. 62, of Chicago; of Plasterers' Local Union No. 183, of Taylorville; of Bricklayers, Masons, and Plasterers' Union No. 26, of Batavia; of Stonemasons' Local Union No. 6, of Quincy; of Bricklayers' Union No. 23, of Kewanee; of Local Union No. 28, of Springfield; of Brotherhood of Boiler Makers and Iron-ship Builders No. 81, of Springfield; of the Packing Trades Council, of Chicago; of Casing Workers' Local Union No. 60, of East St. Louis; of Green Hide Workers' Local Union No. 147, of East St. Louis; of International Broom Makers' Local Union, No. 21, of Chicago; of International Broom Makers' Local Union No. 23, of Charleston, Ill.; of International Broom Makers' Local Union No. 67, of Aurora; of the Retail Clerks Association of Girard, Ill.; of Cigar Packers' Local Union No. 227, of Chicago; of Peoria Plasterers' Union, No. 12, of Peoria; of Danville Typographical Union, No. 230, of Danville; of Brotherhood of Boiler Makers and Iron Ship Builders, of Kewanee; of Journeymen Laborers' Local Union No. 121, of Danville; of Oliver Retail Clerks' Association, No. 21, of Oliver; of Retail Clerks' Association of Sterling, No. 337; of Retail Clerks' Local Union No. 353, of Duquoin; of Carpenters and Joiners' Local Union No. 378, of Edwardsville; of Tobacco Workers' International Union No. 19, of Quincy; of Bricklayers' Local Union No. 24, of Canton; of Switchmen's Local Union No. 16, of East St. Louis; of Lodge No. 393, International Association of Machinists, of Centralia; of Lodge No. 7, Brotherhood of Railroad Trainmen, of Chicago; of Brotherhood of Railroad Trainmen, of Champaign; of Brotherhood of Locomotive Firemen, J. M. Raymond Lodge, No. 49, of Decatur; of Brotherhood of Locomotive Firemen of South Chicago; of Bealou Lodge, No. 217, United Mine Workers' Union, of Pinkneyville; of United Mine Workers' Union No. 106, of Dunfermline; of Brotherhood of Locomotive Firemen, Lodge No. 536, of Mount Carmel; of Brotherhood of Locomotive Firemen No. 275, of Chicago; of Brewery Workers' Local Union No. 281, of Bloomington; of United Mine Workers' Local Union No. 307, of Sorento; of United Mine Workers' Local Union No. 167, of Witt; of the Trades and Labor Assembly of South Chicago; of Local Union No. 8297, of Lebanon; of United Mine Workers' Local Union No. 1030, of Carbon; of United Mine Workers' Local Union No. 952, of Braceville; of United Mine Workers' Local Union No. 745, of Pawnee; of United Mine Workers' Local Union No. 663, of Coulterville; of United Mine Workers' Local Union No. 511, of Tilden; of the Brotherhood of Locomotive Engineers of Danville; of Journeymen Barbers' Local Union No. 328, of Lincoln; of the Retail Furniture and Carpet Salesmen's Association of Chicago; of Retail Clerks' Local Union No. 35, of Quincy; of Retail Clerks' National Protective Association, Local Union No. 344, of Alton; of Bricklayers and Masons' International Union No. 1, of Quincy; of St. Clair Lodge, No. 253, of Belleville; of Collinsville Lodge, No. 295, of Collinsville; of Carpenters' Local Union No. 272, of Chicago Heights; of Local Union No. 204, of Coffeen; of Local Union No. 191, Carpenters and Joiners' Union, of South Chicago; of Gas Fitters' Association of Chicago; of the Plumbers' Association of Springfield; of Plumbers' Local Union No. 54, of Joliet;



of Local Union No. 49, of Champaign; of File Founders' Local Union No. 3, of Chicago; of Virden Division, No. 34, of Virden; of Amalgamated Woodworkers' Local Union No. 17, of Chicago, and of Amalgamated Woodworkers' Local Union No. 85, of Oak Park, all in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLAPP presented a petition of the Missouri, Kansas and Oklahoma Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CARMACK presented petitions of Carpenters and Joiners' Local Union No. 394, of Memphis; of Carpenters and Joiners' Local Union No. 779, of Clarksville; of Beer Drivers and Stablemen's Local Union No. 196, of Memphis; of Press Feeders and Helpers' Local Union No. 80, of Chattanooga; of Trunk and Bag Workers' Local Union No. 10, of Nashville; of Retail Clerks' Local Union No. 38, of Nashville; of United Mine Workers' Local Union No. 431, of Jellico; of United Mine Workers' Local Union No. 554, of Whitwell; of Local Union No. 347, Brotherhood of Railroad Trainmen, of Memphis; of Boiler Makers' Lodge No. 143, of Knoxville; of Carpenters and Joiners' Local Union No. 259, of Jackson; of Carpenters and Joiners' Local Union No. 225, of Knoxville; of Carpenters and Joiners' Local Union No. 219, of Memphis; of United Mine Workers' Local Union No. 1189, of Jellico; of United Mine Workers' Local Union No. 197, of Shamrock; of Federal Labor Union No. 7600, of Victoria, and of the Central Labor Union of Chattanooga, all in the State of Tennessee, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PERKINS presented a petition of the Chamber of Commerce and the Merchants' Association of Honolulu, praying that certain relief be granted them on account of moneys expended in the suppression of the Bubonic plague at that place; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry officers of the National Guard of California, praying for the enactment of legislation to increase the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of the Machinists' Local Union of Oakland; of Mechanics Helpers' Local Union No. 8841, Vallejo; of Ordnance Men's Local Union No. 9585, of South Vallejo; of Cement Workers' Local Union No. 8917, of Los Angeles; of the Federated Trades Council of Alameda County; of the Federated Trades and Labor Council of Fresno; of Ship Joiners' Protective Union No. 8835, of Vallejo; of Boiler Makers and Iron Shipbuilders' Local Union No. 148, of Vallejo; of Local Union No. 233, of Oakland; of Local Union No. 54, of Oakland; of Retail Shoe Clerks' Protective Union No. 410, of San Francisco; of Local Union No. 432, of San Francisco; of Garment Workers' Local Union No. 131, of San Francisco; of Switchmen's Local Union No. 158, of Oakland; of Local Union No. 104, of San Francisco; of Hod Carriers' Local Union No. 9363, of Stockton; of the Tanners' Protective Union of Redwood City; of Local Union No. 280, of Pasadena; of Bakers and Confectioners' Local Union No. 120, of Stockton; of Local Union No. 232, of San Bernardino; of Butchers' Local Union No. 130, of San Jose; of Boiler Makers' Local Union No. 253, of Kern; of Butchers' Local Union No. 126, of Fresno; of Carpenters' Local Union No. 769, of Pasadena; of Local Union No. 506, of Petaluma, all of the American Federation of Labor; of Lodge No. 97, Brotherhood of Locomotive Firemen, of Los Angeles; of Lodge No. 314, Brotherhood of Locomotive Firemen, of San Bernardino; of Lodge No. 420, Brotherhood of Railroad Trainmen, of Fresno, and of Lodge No. 458, Brotherhood of Railroad Trainmen, of Dunsmuir, all in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLARK of Montana presented a petition of Carpenters' Local Union No. 911, of Kalispell, Mont., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 255, of Anaconda, Mont., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of Switchmen's Local Union, of Butte; of the Tailors' Local Union, of Butte; of Bricklayers and Masons' Local Union No. 3, of Great Falls; of Bricklayers, Masons, and Plasterers' Local Union No. 7, of Missoula; of Carpenters' Local Union No. 911, of Kalispell; of Beer Drivers and Bottlers' Local Union No. 231, of Helena; of Western Labor Union, No. 175, of Kalispell; of the Trades and Labor Council of Great Falls; of Anaconda Lodge, No. 614, Brotherhood of Railway

Trainmen, of Anaconda; of Yellowstone Division, No. 191, Order of Railway Conductors, of Glendive, and of Anaconda Typographical Union, No. 255, of Anaconda, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. MALLORY presented a petition of Carpenters and Joiners' Local Union No. 74, American Federation of Labor, of Pensacola, Fla., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also (for Mr. TALLAFERRO) presented petitions of Carpenters' Local Union No. 655, of Key West; of Carpenters and Joiners' Local Union No. 627, of Jacksonville; of Local Union No. 605, of Jacksonville, and of Plumbers' Local Union No. 234, of Jacksonville, all of the American Federation of Labor, in the State of Florida, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Claims.

Mr. COCKRELL presented a petition of the Pioneer Cooperage Company, of St. Louis, Mo., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented petitions of the Central Labor Union, of Boonville, and of Local Union No. 150, International Association of Machinists, of Huntington, in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. BLACKBURN presented a petition of Mason Post, No. 106, Department of Kentucky, Grand Army of the Republic, of Georgetown, Ky., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows of soldiers to \$12 per month; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Marine Society of Portland, Me., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, and also to fix the compensation of certain officers in that service; which was referred to the Committee on Pensions.

He also presented a petition of Letter Carriers' Assembly No. 6909, of Brooklyn, N. Y., praying for the enactment of legislation providing for an increase in their salaries; which was referred to the Committee on Post-Offices and Post-Roads.

#### REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 921) granting a pension to Joanna Rogers, reported it with an amendment and submitted a report thereon.

He also, from the Committee on Patents, to whom was referred the joint resolution (H. J. Res. 103) relative to the disposition of patent specifications and drawings in the western district of Pennsylvania, reported it without amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 5202) granting an increase of pension to Jennie Wagner; and

A bill (S. 4712) granting an increase of pension to Eliphalet Noyes.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5080) granting a pension to Hester A. Farnsworth, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1458) granting an increase of pension to Linda W. Slaughter; and

A bill (S. 4240) granting a pension to Calvin N. Perkins.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5119) granting an increase of pension to Samuel S. Walsh; and

A bill (S. 5118) granting an increase of pension to Adam Stuber.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2646) granting a pension to Justus L. Denton;

A bill (S. 896) granting an increase of pension to James E. McNair;

A bill (S. 2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson; and

A bill (S. 3551) granting an increase of pension to John P. Collier.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2863) granting an increase of pension to Mary L. Purington, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5052) granting an increase of pension to Gilbert Barkalow, reported it with amendments, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 1614) granting an increase of pension to Nelson W. Carlton, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 5309) granting an increase of pension to Hannah A. Van Eaton, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2056) granting an increase of pension to David J. Newman, reported it with an amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by himself on the 26th instant, proposing to appropriate \$5,000 for topographic surveys in Porto Rico, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5302) granting an increase of pension to John H. Everitt, reported it without amendment, and submitted a report thereon.

#### REPORT ON PARIS EXPOSITION OF 1900.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a concurrent resolution, and I ask for its present consideration.

The concurrent resolution was read, and considered by unanimous consent, as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in paper 2,000 additional copies of Senate Document 232, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 500 for distribution by the Office of the Commissioner-General.*

Mr. COCKRELL. I should like to ask the Senator reporting the resolution if those are all the copies we will get?

Mr. PLATT of New York. Those are all that we will get.

Mr. COCKRELL. There will be no additional number printed?

Mr. PLATT of New York. No; it is not deemed necessary.

Mr. COCKRELL. That will give only about five copies to a Senator. If the report is worth printing, it is worth printing in sufficient number to distribute it to more places than that number will allow.

Mr. PLATT of New York. It is thought that this number is all that is absolutely necessary.

Mr. COCKRELL. It seems to me if we go to the expense of printing a document of that kind we ought to print enough to distribute it in greater numbers than five copies to each Senator.

Mr. FORAKER. What is the document?

Mr. COCKRELL. It is a report on the Paris Exposition.

Mr. PLATT of New York. I will accept any amendment the Senator from Missouri may suggest.

Mr. COCKRELL. I move to just double the number for the Senate and House, whatever it is.

The PRESIDENT pro tempore. The amendment of the Senator from Missouri will be stated.

The SECRETARY. Strike out "two" where it appears before "thousand" and insert "three thousand five hundred;" strike out "five hundred" where it appears and insert "one thousand," and strike out "one thousand" where it appears and insert "two thousand."

Mr. COCKRELL. Now, let the Secretary read the resolution the way it will stand if amended as I propose.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 3,500 additional copies of Senate Document 232, Fifty-sixth Congress, second session, being the Report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General.*

The amendments were agreed to.

Mr. TILLMAN. I notice that the words "bound in paper" are in the resolution. If we are going to reprint a valuable document, what is the use to make a pamphlet of it? Why not have it bound in cloth?

Mr. PLATT of New York. No one has asked to have it bound in cloth.

Mr. TILLMAN. The Senator from Missouri seems to think there will be a demand for it.

Mr. COCKRELL. I did not notice the provision about binding. There will be very little difference in cost between the two forms of binding.

Mr. TILLMAN. The difference in cost amounts to scarcely anything, and the document is certainly no good in paper.

Mr. COCKRELL. I move to strike out "in paper" and to insert "in cloth."

Mr. PLATT of New York. I accept the amendment.

The PRESIDENT pro tempore. The amendment inserting the words "in cloth" is accepted. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

#### CLAIM OF HERRERA'S NEPHEWS.

Mr. CULLOM. Some days ago Senate Document No. 318, Fifth-seventh Congress, first session, being a letter from the Acting Secretary of War, transmitting, in response to a resolution of the Senate of March 26, 1902, correspondence relating to the seizure of certain vessels and the occupation and use of wharves and warehouses at Santiago de Cuba, was referred to the Committee on Foreign Relations. The Senator from Vermont [Mr. PROCTOR], who called for this report, I think, made a mistake in having it referred to the Committee on Foreign Relations, and desired really to have it referred to the Committee on Claims. I move that the Committee on Foreign Relations be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

#### COMMITTEE SERVICE.

Mr. CARMACK was, on his own motion, excused from further service upon the Committee on Education and Labor.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. CULLOM introduced a bill (S. 5473) for the relief of George Killen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5474) granting an increase of pension to Daniel M. Banks (with an accompanying paper);

A bill (S. 5475) granting an increase of pension to John Judge (with an accompanying paper);

A bill (S. 5476) granting an increase of pension to Orville T. Lee (with an accompanying paper); and

A bill (S. 5477) granting an increase of pension to Jonathan P. Chandler (with an accompanying paper).

Mr. STEWART introduced a bill (S. 5478) to ratify and confirm an agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced a bill (S. 5479) to correct the military record of William Allen; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5480) granting an increase of pension to Charles W. Johnston;

A bill (S. 5481) granting an increase of pension to Simeon Shirrell;

A bill (S. 5482) granting an increase of pension to James M. Heminger;

A bill (S. 5483) granting an increase of pension to Joshua F. Spurlin;

A bill (S. 5484) granting an increase of pension to Michael Wallick;

A bill (S. 5485) granting an increase of pension to Martha A. Harvey;

A bill (S. 5486) granting an increase of pension to Amos W. Reagan; and

A bill (S. 5487) granting an increase of pension to Philip J. Strack.

Mr. BURROWS introduced a bill (S. 5488) granting an increase of pension to Shannon W. Scott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5489) for the relief of the



executors of the estate of Henry Lee, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 5490) granting a pension to Anginette L. Prescott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5491) granting a pension to John R. Sandsbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 5492) granting an increase of pension to Warren A. Hatten; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5493) granting a pension to William T. Carliel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5494) for the relief of the heirs at law of Maj. Tarleton Woodson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 5495) to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5496) relative to the Lincoln Museum in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 5497) to provide for the erection of a public building at the city of Columbia, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE (by request) introduced a joint resolution (S. R. 89) to erect a building to be known as the American National Institute; which was read twice by its title, and referred to the Committee on Foreign Relations.

#### AMENDMENTS TO BILLS.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$5,000 to enable the Episcopal Eye, Ear, and Throat Hospital to provide medical and surgical treatment to persons unable to pay therefor, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to appropriate \$50,000 of the \$100,000 made by the act of Congress of March 1, 1901, to enable the Secretary of War to purchase the Isham high-explosive shell, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to increase the salary of draftsman for assessor's office from \$1,200 to \$1,400, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds.

Mr. HEITFELD submitted an amendment intended to be proposed by him to the bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### CIRCUIT COURT OF APPEALS.

Mr. CLAPP. I move to reconsider the vote by which the Senate on Saturday passed the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

The facts concerning this matter are as follows: On Saturday morning I gave notice of an amendment, which was offered and ordered to be printed and to lie on the table. I called the attention of the Senator having the bill in charge, the Senator from Wyoming [Mr. CLARK], to it, and did not anticipate that the bill would come up on Saturday. It came up on Saturday, and was passed without this amendment, the amendment at that time being before the Senate and on the table. I therefore move to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator from Minnesota enters a motion to reconsider the vote by which the bill was passed on Saturday. He also moves that the House of Representatives be requested to return the bill to the Senate. Is there objection? The Chair hears none, and the order is made.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2063) amending an act creating the middle district of Pennsylvania; and

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 13076) to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii; and

A bill (H. R. 12797) to ratify act numbered 65 in the twenty-first Arizona legislature.

The bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 5183) granting an increase of pension to William Holdridge, was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor, was read twice by its title, and referred to the Committee on Military Affairs.

#### IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exchange of oleomargarine," approved August 2, 1886, numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11, and agreeing to amendment numbered 9, with amendments.

The PRESIDENT pro tempore. The amendments have been read.

Mr. TELLER. There seemed to be a little question on Saturday as to where my amendment ought to come in. The copy of the bill I have does not seem to have the amendments numbered; page 2 of the bill, line 25, seems to be a proper place. I believe that is what is called the ninth amendment. I move my amendment at that point.

Mr. President, I do not desire to debate this question. I should like to get a vote on it. As far as I am concerned, I have no disposition to delay the bill. There is nothing to be gained by such a course that I know of. I did not vote for the bill, and I would not vote for it now. If I had an opportunity, I would vote against it.

Mr. CULBERSON. I should like to know the parliamentary status of the bill. How is it before us at this time?

The PRESIDENT pro tempore. The bill came from the House of Representatives and was amended in the Senate. It went to the House. The House agreed to certain of the amendments and returned it to the Senate with certain other amendments. The bill is on the table of the President of the Senate, and it has been by him laid before the Senate, as is usual in such cases.

Mr. CULBERSON. Should it not be referred to a committee?

The PRESIDENT pro tempore. Not necessarily. It is for the Senate to say what shall be done with it.

Mr. CULBERSON. If it is not to be referred should it not go on the Calendar?

The PRESIDENT pro tempore. No disposition has been yet made of it. It was laid before the Senate by the Presiding Officer this morning.

Mr. CULBERSON. I will ask if, under the rule, the bill ought not to go to the Calendar?

The PRESIDENT pro tempore. There is no rule which requires the Senate to refer it or anything else. The rule simply requires the Presiding Officer to lay the bill before the Senate with the action of the House thereon. The Presiding Officer has laid it before the Senate, and the Senator from Colorado offers an amendment to one of the House amendments.

Mr. ALISON rose.

Mr. TELLER. I should like to know the status of the bill. There seems to be some question about it. I understand that the bill came from the House and went to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. It did not. It remained on the President's table, and was laid by him before the Senate on Saturday. Then by unanimous consent it still remained on the President's table. The President of the Senate has this morning again laid it before the Senate.

Mr. TELLER. Has there been unanimous consent given this morning to consider it?

The PRESIDENT pro tempore. There has been no consent at all. It was the duty of the Chair, under what took place on Saturday, to lay it before the Senate.

Mr. TELLER. Should not the bill properly go to the committee?

The PRESIDENT pro tempore. That is for the Senate to determine.

Mr. CULBERSON. I move that the bill, with the amendment of the Senator from Colorado, be referred to the Committee on Agriculture and Forestry.

Mr. TELLER. That seems to be the proper way.

The PRESIDENT pro tempore. That motion takes precedence of the motion to amend.

Mr. ALLISON. I was about to make the same inquiry made just now by the Senator from Colorado. I find that the bill was laid upon our tables as having been printed by order of the Senate on Saturday, but I do not see the original House bill nor do I see the amendments of the Senate to the original House bill.

The PRESIDENT pro tempore. The original House bill is on the table.

Mr. ALLISON. Did the Chair lay the original House bill before the Senate?

The PRESIDENT pro tempore. The Chair did this morning.

Mr. ALLISON. Very well. Then the print does not show the condition of the bill; that is all.

Mr. TELLER. I wish to say one word. I was under the impression when I offered the amendment that the bill had been to the committee and had been reported from the committee to the Senate. I find that I was entirely mistaken about that.

The PRESIDENT pro tempore. It would have gone to the Calendar if that had been the fact.

Mr. TELLER. That is the reason why I insisted that the Calendar was the place for it.

The PRESIDENT pro tempore. The Senator from Texas moves the reference of the bill to the Committee on Agriculture and Forestry. That is the question before the Senate.

Mr. PROCTOR. Mr. President, there seems to be a little apprehension about the action of the Senate. When the bill was before the Senate, the Senate did not adopt a substitute bill, but we made an important amendment and several minor ones, eleven in all. The House agreed to all the amendments but one, and that is the amendment which has been reprinted here. That amendment they agreed to with certain amendments not important in character. That amendment which we proposed to them did not touch oleomargarine at all. It was simply in regard to process, renovated, and adulterated butter. When it came back here with the proposals of amendment, I consulted with the members of the committee, and all the minority said, and I so announced, that the amendments were unimportant and did not harm the bill from their standpoint. The Senator from North Carolina [Mr. SIMMONS] made the same statement on the floor. The minority members said that the House amendments were an improvement rather than otherwise, and that they were ready to have me ask to have the Senate agree to the amendments. I accordingly did so.

Mr. LODGE. Mr. President, if I understand the situation about the bill aright the House bill came over here, and to that bill we made sundry amendments. The bill went back, with our amendments, to the House, inviting the concurrence of the House. The House concurred in ten amendments, and concurred in the eleventh with an amendment.

Therefore the motion (if I am wrong I can easily be corrected) to concur with the House amendment takes precedence of all others. A motion to concur with the House amendment with an amendment would come next. Surely a motion to concur must take precedence of all others, because it is a motion looking toward a conclusion, bringing about an agreement of the Houses, which is the purpose of all legislation. I do not know whether a motion to concur has been made.

Mr. PROCTOR. I made a motion to concur.

Mr. LODGE. I understood that the Senator from Vermont made a motion to concur. Does not the motion to concur in the amendments of the other House always take precedence of every other motion, because it is the first to bring about an agreement?

The PRESIDENT pro tempore. The Chair is of opinion that it does not, but that a motion to amend takes precedence of a motion to concur, because the Senate might refuse to concur without amendment and might desire to concur if an amendment was made. The motion made by the Senator from Texas takes precedence of any of the other motions, and that is to refer the bill to the committee. That is the question before the Senate.

Mr. PROCTOR. The bill as it came from the House has been before the committee, but not by action of the Senate. It has been before a regularly called meeting of the committee, and as I stated when the matter was up Saturday—

Mr. CULBERSON. I desire to ask the Senator if any commit-

tee has considered the amendment offered by the Senator from Colorado to the bill?

Mr. PROCTOR. The reprint of the House was before the committee and examined by the members, and they instructed me to move to concur, as I stated.

Mr. CULBERSON. I refer to the amendment offered by the senior Senator from Colorado, that has been printed and is on our desks this morning.

Mr. PROCTOR. That has not been before the committee.

Mr. CULBERSON. That has not been before the committee, and it is a very important amendment. It seems to me that it ought to be considered by the committee.

The PRESIDENT pro tempore. The question is on referring the bill and amendments to the Committee on Agriculture and Forestry.

Mr. TELLER. It seems to me that the consideration of the bill by the committee, it not having been referred to them, was entirely irregular and does not amount to anything. That is the way I got the idea that the committee had reported it back to the Senate. If the Senate did not send the bill to the committee, but retained it on the table, the committee had no jurisdiction of the bill, of course, and the motion now to send it to the committee is a perfectly proper motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas [Mr. CULBERSON] to refer the bill to the Committee on Agriculture and Forestry.

Mr. TELLER and Mr. CULBERSON demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY], who is absent. I transfer my pair to the junior Senator from Illinois [Mr. MASON], and will vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the Senator from Florida [Mr. TALLAFERRO]. If he were present, I should vote "nay." I withhold my vote, not knowing how he would vote on this question.

The roll call was concluded.

Mr. McLAURIN of Mississippi. I will explain that my colleague [Mr. MONEY] is absent on account of sickness.

Mr. ELKINS. I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, I should vote "nay."

Mr. JONES of Arkansas. I wish to state that my colleague [Mr. BERRY] is paired with the Senator from Maryland [Mr. McCOMAS]. If my colleague were present, he would vote "yea."

Mr. PERKINS. I desire to announce that my colleague [Mr. BARD] is unavoidably absent on account of illness. If he were present, he would vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I inadvertently voted, not observing the absence of the senior Senator from South Carolina [Mr. TILMAN], with whom I have a pair. I will transfer my pair to the junior Senator from California [Mr. BARD], and let my vote stand.

Mr. PETTUS (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. As he has not voted, I will withdraw my vote.

Mr. MALLORY. I desire to announce that my colleague [Mr. TALLAFERRO] is paired with the junior Senator from West Virginia [Mr. SCOTT]. My colleague is unavoidably absent from the city.

The result was announced—yeas 26, nays 35; as follows:

#### YEAS—26.

Bacon,	Culbertson,	McEnery,	Simmons,
Bate,	Daniel,	McLaurin, Miss.	Stewart,
Berry,	Dubois,	McLaurin, S. C.	Teller,
Blackburn,	Foster, La.	Mallory,	Turner,
Clark, Mont.	Gibson,	Martin,	Vest.
Clay,	Heitfeld,	Patterson,	
Cockrell,	Jones, Ark.	Rawlins,	

#### NAYS—35.

Allison,	Dillingham,	Hawley,	Platt, Conn.
Beveridge,	Dolliver,	Kean,	Platt, N. Y.
Burnham,	Fairbanks,	Kittredge,	Pritchard,
Burrows,	Foraker,	Lodge,	Proctor,
Burton,	Foster, Wash.	McCumber,	Quarles,
Clapp,	Frye,	McMillan,	Simon,
Cullom,	Gamble,	Mitchell,	Spooner,
Deboe,	Hansbrough,	Nelson,	Wetmore.
Depew,	Harris,	Perkins,	

#### NOT VOTING—27.

Aldrich,	Elkins,	McComas,	Quay,
Bailey,	Gallinger,	Mason,	Scott,
Bard,	Hale,	Millard,	Tallafarro,
Carmack,	Hanna,	Money,	Tillman,
Clark, Wyo.	Hoar,	Morgan,	Warren,
Dietrich,	Jones, Nev.	Penrose,	Wellington.
Dryden,	Kearns,	Pettus,	

So the motion to refer was not agreed.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] offers an amendment, which will be stated.

Mr. LODGE. I intended to ask what is the precise motion



that is now pending. In submitting the point of order, which I did a few moments ago as to the precedence of motions, I merely wanted to know if the pending motion is a motion to concur or to concur with an amendment. That takes precedence of a motion to refer to a committee, of course, because the motion to concur promotes an agreement between the two Houses, and the motion to refer, of course, delays an agreement, and agreement is the object of all legislation. Now, I want to know precisely what the motion is.

The PRESIDENT pro tempore. The pending motion is to amend the House amendment.

Mr. LODGE. Is it to amend or to concur with an amendment? The PRESIDENT pro tempore. No; the motion is simply to amend, as the Chair understands the Senator from Colorado.

Mr. NELSON. Mr. President, a motion is pending, coming over from the last day's session of the Senate, to concur in the House amendment.

Mr. LODGE. That takes precedence.

Mr. NELSON. Under this condition the amendment of the Senator from Colorado would not be in order, except to concur with an amendment. It can not be in order as a naked amendment. It must be in the nature of a motion to concur with an amendment and not merely to amend.

Mr. LODGE. That is the point I desire to make.

Mr. PROCTOR. Mr. President, you will remember that I made a motion to concur on Saturday before the motion to amend was submitted by the Senator from Colorado.

Mr. COCKRELL. But the motion was not entered.

Mr. TELLER. That is a mistake. I made my motion before the Senator from Vermont made his.

Mr. COCKRELL. That is right.

Mr. TELLER. But no matter whether I did or did not, a motion to concur does not prevent an amendment.

Mr. PROCTOR. I think, Mr. President, that the Senator from Colorado will remember, if he will recall the order, that my first motion was to concur. I afterwards made a motion to nonconcur and to ask for a conference with the House of Representatives. The first motion was made before the amendment was offered by the Senator from Colorado, and the last one afterwards.

Mr. TELLER. The Chair has distinctly stated that my amendment is in order.

The PRESIDENT pro tempore. The Chair understands the amendment offered by the Senator from Colorado is in order.

Mr. TELLER. I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. Jefferson's Manual is very distinct on this point. It says:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

The Chair recognizes the Senator from Colorado to offer the amendment, which will be read.

Mr. LODGE. On that point I wish to inquire, is it simply a motion to amend that takes precedence, or a motion to concur or nonconcur with an amendment?

The PRESIDENT pro tempore. A motion to amend, as Jefferson says.

Mr. LODGE. Simply a motion to amend takes precedence of a motion to concur?

Mr. COCKRELL. That has been the universal rule of the Senate.

Mr. ALLISON. Mr. President, I do not understand, and I never could understand, the mysteries of parliamentary law respecting this class of amendments. I should like to have the amendment read, and its connection with the text of the bill or with the House amendment.

As I understand the position of the bill, this is not an amendment to an amendment in the sense of the rule just read by the Chair. There was an amendment made by the Senate to the bill of the House, that amendment went to the House of Representatives, and it was concurred in with an amendment, as I understand, in the House. Therefore, the text of the Senate amendment, it seems to me, is beyond the consideration of the Senate at this time. Otherwise this bill would not be passed until doomsday. If an original amendment is now in order to this bill, as proposed, as I understand, by the Senator from Colorado, there can be no end to this bill. Therefore, I desire to know what the amendment of the Senator from Colorado is and to what it is an amendment. It may be that I do not understand it at all, but I want to say that if the amendment of the Senator from Colorado, as an independent amendment, is now in order, any future amendment that may be offered by any other Senator will be in order on this bill, and we never can reach an end to it. That seems to me, with all deference to other Senators, is a proceeding which has never been adopted. I shall characterize it in no other form.

Mr. TELLER. The Senator from Iowa has been out of town for a few days?

Mr. ALLISON. I have been.

Mr. TELLER. And he is not informed as to the facts, as he might have been if he had looked at the bill.

Mr. ALLISON. I want to say, if the Senator will allow me, that I have looked at the RECORD, which I suppose is a correct interpretation of what has occurred during my absence—otherwise the RECORD is not a true portrayal or picture of what we are doing here from day to day.

Mr. TELLER. Mr. President, the House amendment is to be found at the bottom of page 2 of the print of the bill I have; but there seems to be another print, where it is to be found on page 6. The House concurred in the amendment of the Senate and then added this amendment, which we have neither concurred in nor nonconcurred in. The House concurred in the Senate amendment in part, and a part of it they amended. Then they offered this as an independent amendment. If we can not now amend that, then, if that be the parliamentary law, we allow the House to force upon us a proposition in the bill or else compel us to defeat the bill. That, I am quite sure, is not the parliamentary rule.

Mr. ALLISON. The Senator misunderstands me, or I may not understand the facts in this case, as I was not present on Saturday. Now, I ask if the Senator will allow me, so that I may understand the situation, that the action in the House be read, so as to ascertain exactly what was done by that body.

Mr. TELLER. I think the Chair is cognizant of the parliamentary situation, and I think the Chair has decided.

Mr. ALLISON. That may be true.

Mr. TELLER. The Chair understands my motion. All I ask is to have a vote upon it. I do not want to delay this matter at all.

Mr. SPOONER. I suppose the Senator from Iowa has a right to ask that the amendment be read, if he so desires.

Mr. TELLER. Certainly. I have no objection to its being read. I did not know that that was his request. I thought the Senator wanted the record of the House proceedings read, which I have never known to be done in this body.

Mr. ALLISON. I wish to place myself right as respects the situation of this bill. The bill was originally sent here from the House, was amended by the Senate, returned to the House, and the amendment of the Senate was amended by the House. The record of that proceeding in the House is on our table, and I ask that it may be read, so as to become a part of the observations I intend to make on the amendment of the Senator from Colorado.

Mr. LODGE. Mr. President, before the amendment is read, I want to ask at what point of the House amendment the amendment of the Senator from Colorado is to be made—where it is to be inserted? It can not be added to our section as a whole; it must be made to the House amendment, and I want to know where it comes in.

Mr. TELLER. I have distinctly named where it comes in, as the Senator would have known if he had paid attention.

Mr. LODGE. I did not hear the Senator.

Mr. TELLER. It comes in at the bottom of page 2 of the print of the bill I have.

Mr. LODGE. That is what I wanted to know.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado was first offered to the bill as an additional section, and it was ruled out by the Chair. It was then proposed as an amendment to a House amendment, and the Chair ruled that it was in order as an amendment to the House amendment. The Secretary will read the action of the House of Representatives.

Mr. HANSBROUGH. I desire to ask a question for information, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HANSBROUGH. Is the amendment offered by the Senator from Colorado amendable?

The PRESIDENT pro tempore. It is not. That would be an amendment in the third degree.

Mr. HANSBROUGH. Later I will suggest some changes in the amendment of the Senator from Colorado, which I hope he will adopt.

Mr. TELLER. I do not deny but that my amendment is open to amendment. It should be perfected before it is voted on, of course.

The PRESIDENT pro tempore. The Secretary will read the action of the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,

April 24, 1902.

Resolved, That the House agrees to the amendments of the Senate to the bill (H. R. 9206) entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886," Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11, and agrees to amendment No. 9 with amendments as follows: In lines 3 and 4, after "butter," strike out "shall be understood" and insert "is hereby defined;"

In line 8, after "adulterated butter," strike out "shall be understood" and insert "is hereby defined;"

In line 3, page 3, after "unmelted butter," strike out the comma and insert "or butter fat;"

In line 6, page 3, after "rancidity," strike out "and" and insert "or;"

In line 6, page 3, after "any butter," insert "or butter fat;"

In line 7, page 3, after "as herein," strike out "recognized or understood" and insert "defined;"

In line 8, page 3, strike out "in" where it occurs the second time and insert "or;"

In line 9, page 3, after "any," in line 8, strike out "way, either through cheaper or inferior ingredients, or" and insert "butter in the manufacture or manipulation of which any process or material is used;"

In line 11, page 3, after "cream," strike out "Provided, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886," and insert "that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter' as defined by this act;"

Strike out line 16, page 3, down to and including line 2, page 4:

In line 4, page 4, after "renovated butter," insert "shall pay \$50 per year;"

In line 4, page 4, after "and," insert "manufacturers;"

In lines 5, 6, and 7, page 4, after "year," strike out "the payment of which shall cover the tax upon the manufacture of both articles;"

In line 13, page 4, after "annum," insert "Every person, who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter;"

In lines 14 and 15, page 4, strike out "Dealers in adulterated butter shall pay \$48 per year;"

In line 18, page 8, insert before "All parts" a section number as follows: "Sec. 5;"

In line 18, page 8, strike out "meat" and insert "meats;"

In lines 8 and 9, page 9, after "same," strike out "for exportation or transmission from one State to another;"

In line 9, page 9, after "process," insert "or renovated;"

In line 10, page 9, after "marked with," amend the Senate amendment down to and including "manner," line 11, so as to read: "the words 'Renovated Butter' or 'Process Butter,' and by such other marks, labels, or brands, and in such manner;"

In line 2, page 10, after "States," insert "or in course of exportation or shipment;" and

Change "Sec. 5" to "Sec. 6," and "Sec. 6" to "Sec. 7."

Mr. ALLISON. Now, Mr. President, as I understand, the Senator from Colorado proposed an amendment to an amendment of the House of Representatives. I ask that that proposed amendment to the House amendment may be read.

The PRESIDENT pro tempore. The Senator from Colorado has proposed an amendment to an amendment of the House of Representatives, which will be read.

The SECRETARY. It is proposed to amend the amendment of the House of Representatives as printed on April 26, on page 2 of the amendment, line 25, after the word "act," in the line "adulterated butter" as defined by this act," by inserting the following:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter, or which tends to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets, and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for export. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

Mr. ALLISON. I do not wish to occupy any time, except to say that the amendment of the Senator from Colorado not only materially changes the amendment which was reserved and not agreed to by the House, but it affects, also, every provision of the bill, as I understand it, and therefore it is new matter inserted in a particular place as an amendment to an amendment of the House, changing the character of this bill. It may be that the amendment is in order. If it is, I shall certainly vote against it as being inconsistent with what has been done in the two Houses after a debate covering a period of more than a month.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the House of Representatives.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. ELKINS. I want to offer an amendment to the amendment of the Senator from Colorado.

The PRESIDENT pro tempore. That is not in order.

Mr. ELKINS. Can not the friends of the oleomargarine bill get in an amendment?

The PRESIDENT pro tempore. A further amendment is not now in order, as it would be an amendment in the third degree. The question is on the amendment of the Senator from Colorado to the amendment of the House of Representatives, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who is temporarily absent, but I transfer that pair to the Senator from California [Mr. BARD], and vote "nay."

Mr. DOLLIVER (when his name was called). I transfer my

pair with the senior Senator from Mississippi [Mr. MONEY] to the junior Senator from Illinois [Mr. MASON], and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If at liberty to vote, I should vote "yea."

Mr. RAWLINS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HANNA]. I will transfer that pair to the senior Senator from Maryland [Mr. WELLINGTON], and vote "yea."

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I am paired with that Senator, and therefore withhold my vote. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], but I transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. SPOONER subsequently said: I had forgotten that the Senator from New Jersey [Mr. DRYDEN], to whom I transferred my pair with the Senator from Tennessee [Mr. CARMACK], had voted against this bill, and I therefore withdraw my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). I again announce that my colleague [Mr. TALIAFERRO] is unavoidably absent from the city. He is paired with the junior Senator from West Virginia [Mr. SCOTT]. If present, my colleague would vote "yea" on this amendment.

The roll call was concluded.

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE]. I understand from Senators on that side of the Chamber that if he were present he would vote "nay," and I therefore withdraw my vote.

Mr. CULBERSON. I desire to announce that my colleague [Mr. BAILEY] is paired with the senior Senator from West Virginia [Mr. ELKINS]. My colleague is unavoidably absent from the Senate to-day. Were he present and voting, he would vote "yea" on this amendment.

Mr. HARRIS (after having voted in the negative). I should like to inquire if the Senator from Wyoming [Mr. CLARK], with whom I am paired, has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HARRIS. Then I will transfer my pair with the Senator from Wyoming to the Senator from Rhode Island [Mr. ALDRICH], and allow my vote to stand.

Mr. HANNA (after having voted in the negative). I understand that during my absence my pair with the Senator from Utah [Mr. RAWLINS] has been covered by a transfer to the Senator from Maryland [Mr. WELLINGTON], and I therefore withdraw my vote.

Mr. JONES of Arkansas. I wish to state that my colleague [Mr. BERRY] is paired with the Senator from Maryland [Mr. McCOMAS]. If present, my colleague would vote "yea" on this amendment.

The result was announced—yeas 25, nays 28; as follows:

YEAS—25.			
Bacon,	Daniel,	McLaurin, S. C.	Teller,
Bate,	Dubois,	Mallory,	Tillman,
Blackburn,	Foraker,	Martin,	Turner,
Clark, Mont.	Foster, La.	Mitchell,	Vest.
Clay,	Heitfeld,	Patterson,	
Cockrell,	McEnery,	Rawlins,	
Culbertson,	McLaurin, Miss.	Stewart,	
NAYS—28.			
Allison,	Dolliver,	Hawley,	Perkins,
Burnham,	Fairbanks,	Kean,	Platt, Conn.
Burton,	Foster, Wash.	Kittredge,	Platt, N. Y.
Cullom,	Frye,	Lodge,	Proctor,
Deboe,	Gamble,	McCumber,	Quarles,
Depew,	Hansbrough,	McMillan,	Simon,
Dillingham,	Harris,	Nelson,	Wetmore.
NOT VOTING—35.			
Aldrich,	Dietrich,	Jones, Nev.	Pritchard,
Bailey,	Dryden,	Kearns,	Quay,
Bard,	Elkins,	McComas,	Scott,
Berry,	Gallinger,	Mason,	Simmons,
Beveridge,	Gibson,	Millard,	Spooner,
Burrows,	Hale,	Money,	Taliaferro,
Carmack,	Hanna,	Morgan,	Warren,
Clapp,	Hoar,	Penrose,	Wellington.
Clark, Wyo.	Jones, Ark.	Pettus,	

So Mr. TELLER's amendment to the amendment of the House of Representatives was rejected.

Mr. PROCTOR. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a further conference, the conferees on the part of the Senate to be appointed by the President pro tempore.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont.



Mr. COCKRELL. I understand the committee have looked over the House amendments and have agreed to them. That was the statement made, and I therefore move to concur in the amendments of the House of Representatives.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. COCKRELL] moves that the Senate concur in the amendments of the House of Representatives, which motion to concur takes precedence, and the question is on that motion.

The motion was agreed to.

HOWARD LODGE, I. O. O. F.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and the first bill on the Calendar will be stated. The bill (S. 92) for the relief of Howard Lodge No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., was announced as first in order.

The Secretary read the bill.

Mr. LODGE. Does that bill come up by unanimous consent, Mr. President?

The PRESIDENT pro tempore. It does not. It comes up in its regular order on the Calendar.

Mr. LODGE. Then we have reached that point on the Calendar?

Mr. BATE. It is the regular order on the Calendar, being the point reached on Saturday last.

Mr. LODGE. I should like to have the report in that case read. The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. TALIAFERRO on the 23d instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., beg leave to report as follows:

Howard Lodge, No. 13, Independent Order of Odd Fellows, according to the testimony of witnesses who are spoken of as men of good character and standing, and whose statements are entitled to full credit, owned at Gallatin, Tenn., during the civil war the following property:

(1) A three-story brick house, with two stores on the first floor, a public hall on the second floor, and lodge rooms on the third floor.

(2) The Howard Female Institute, furnished and used as a female college and boarding school, the grounds laid off and planted in shrubbery and lawns, with suitable fences, outhouses, hothouse, stable, and shed, this property estimated to be worth between \$20,000 and \$25,000.

The first piece of property, according to the evidence presented, was taken possession of by the Federal troops in 1862, and used as storehouse and for hospital purposes until the close of the war. The store furnishings, consisting of counters and shelving, were removed from the first floor, the camp regalia and furniture of the lodge rooms were destroyed, and damage was done to the building itself during the occupancy by the troops.

The second piece of property, the same witnesses say, was occupied by Federal troops from November, 1862, to August, 1865. The hothouse, stable, fences, outhouses, etc., were destroyed and used in the construction of pest-houses for the Federal troops. The furniture of the main building was destroyed during the occupancy by the troops, papering and plastering torn off the walls, and nothing left but the bare walls of the building itself.

The lodge claims damages to the extent of \$7,448, of which \$3,300 is asked as rent for the college property for a period of thirty-three months.

The valuation of the damage was appraised by citizens of Gallatin, Tenn., and their report, presented herewith, deals with each particular item, and in none of them do the charges seem to be unreasonable. On the other hand, they appear to be fair, equitable, and just. Of this committee, C. B. Wright, one of the witnesses, whose affidavit has been presented to your committee, says:

"Of the committee who made the report as to the damages of the college and lodge property, C. E. Bodie is dead, B. F. Allen still lives here, and Mr. Mills lives in the North somewhere. He was a Northern man and Union man during the war. Judge Hermans is dead, T. C. Trimble is dead, and William Wright is dead. They were all Union men. I was postmaster here for several years during and after the war. Mr. Trimble was superintendent of the Freedman's Bureau, and Judge Hermans was county judge."

Your committee beg leave to report the bill favorably and to recommend that it pass.

Mr. LODGE. I hope the bill may go over for the present. I have read the report. It seems to be of the vaguest kind. It merely states the amount claimed by the claimants. There are no itemized accounts. No details whatever are given. I should like to have the bill go over for the present until I can look into it further.

Mr. WARREN. I ask that it may go over without prejudice.

Mr. LODGE. Without prejudice.

Mr. BATE. Mr. President, perhaps the Senator from Massachusetts does not know that this bill came up Saturday and went over for the same reason. Now it is the first in order on the Calendar, and I think it ought to be disposed of, unless the Senator from Massachusetts has some grave reasons to the contrary. I think he will find as the report shows, on the testimony of Union men who were living there at the time, that the United States forces took this college and made use of it as a hospital for small-pox patients. I think \$20,000 would not be considered too much, and some of the witnesses say so. But it is put at \$7,000, and every item is proved in a manner which should be accepted. I hope the Senator from Massachusetts will not object to the consideration of the bill.

Mr. LODGE. I should like to look into it a little further. The report gives only a general statement of the claims, and what the claimants think they ought to have. I should like to have the bill go over without prejudice, so that I can look at it further.

Mr. BATE. Certainly.

The PRESIDENT pro tempore. The Senator from Massachusetts objects, and the bill will go over without prejudice.

INDIANS ON ROSEBUD RESERVATION, S. DAK.

Mr. PLATT of Connecticut. I have been anxious to accommodate my friend, the Senator from South Dakota [Mr. GAMBLE], by taking up a bill which stands first on the Calendar under Rule VIII. I do not think there is time to dispose of it this morning. I give notice that to-morrow morning, immediately after the routine business, I will ask the Senate to consider the bill.

Mr. CULLOM. What is the bill?

Mr. PLATT of Connecticut. It is the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

LEGAL DEVISEES OF JAMES W. SCHAUMBURG.

The bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg was considered as in Committee of the Whole. It proposes to pay to the legal devisees of James W. Schaumburg, deceased, the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845.

Mr. COCKRELL. Let the report in the case be read.

The Secretary read the report submitted by Mr. WARREN on the 23d instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg, having had the same under consideration, beg to submit the following report:

This claim has been pending since the Forty-seventh Congress, at which time it was first introduced, and it has been favorably reported by both House and Senate nearly every Congress during that period. It has passed the Senate seven times, but has never succeeded in reaching final consideration in the House. The merits of the claim have been repeatedly set forth in the many reports made from this committee, but as the salient points have been presented by the House Committee on Claims during this present session, your committee adopt the House report and report back the bill and recommend its passage with the following amendment:

Strike out the words "eleven thousand one hundred and sixty-five," in the twelfth line of said bill, and insert in lieu thereof the words "ten thousand eight hundred and sixty-five."

The report referred to is as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 2218) for the relief of the legal devisees of James W. Schaumburg, beg leave to submit the following report and recommend that said bill do pass with an amendment as follows:

"Strike out the words 'eleven thousand one hundred and sixty-five,' in the eleventh and twelfth lines of said bill, and insert in lieu thereof the words 'ten thousand eight hundred and sixty-five.'

"The facts on which this bill is based are fully stated in prior reports of committees made to the House. Sufficient of these to give an understanding of the bill are here restated, as follows:

"From a report of the Committee on War Claims made to the House in the Fifty-second Congress:

"This bill provides for the payment of an amount found due the claimant by the courts of the United States.

"The service was rendered by the claimant as first lieutenant of United States Dragoons from July, 1836, to March 24, 1845.

"The United States circuit court for the eastern district of Pennsylvania found this amount to be due in an action between the United States and the claimant in 1874.

"The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Supreme Court Reports, page 667."

"This was in 1880.

"On the 11th of July, 1882, the Secretary of the Treasury transmitted the claim to Congress, asking for an appropriation, as follows:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., July 11, 1882.

"SIR: I have the honor to inclose herewith copies of papers in the claim of James W. Schaumburg for pay and allowance as lieutenant of dragoons from July 1, 1836, to March 24, 1845, and to recommend that authority be given to the accounting officers of the Treasury to audit and allow the same, and that an appropriation of \$11,000, or so much thereof as may be necessary, be provided for its payment.

"Very respectfully,

"CHARLES J. FOLGER,  
Secretary.

"Hon. WILLIAM B. ALLISON,

Chairman Committee on Appropriations, United States Senate.

"The Secretary of the Treasury, Hon. C. S. Fairchild, again recommended the payment of the claim to the Appropriation Committee under date of February 15, 1889.

"It was referred to the Committee on Claims in the Senate, and passed the Senate March 19, 1888.

"The bill again passed the Senate April 19, 1890.

"It again passed the Senate at the present session of Congress, April 12, 1892." (Senate bill 261.)

"A similar bill to the one now under consideration has been before Congress since 1882, and has been reported favorably many times by committees of the House and Senate, but has never reached a final vote in both Houses.

"The following statement is contained in a report of the Committee on Claims to the House in the Forty-ninth Congress:

"That said Schaumburg was commissioned a first lieutenant of the First Regiment of Dragoons on the 1st day of July, 1836, but, notwithstanding, the military officials of the War Department refused to assign him to duty. Against this decision he appealed to President Tyler, who, on the 11th day of January, 1844, ordered him to be recognized and his name printed at the head of the list of first lieutenants in the Army Register for 1845.

"On the 19th of March, 1845, the Senate passed a resolution that such recognition was illegal and void and that Lieutenant Schaumburg's name ought not to be continued on the roll of the Army.

"In pursuance of this resolution the Secretary of War announced, March 24, 1845, that the President directed that Lieutenant Schaumburg's name should be erased from the Army Register.

"On the 2d of March, 1849, the Senate repealed and rescinded said resolution, and resolved that the order of the President made by reason of said

resolution should be revoked, and declared that Schaumburg had been improperly dismissed from the Army and was entitled to a commission as captain in the First Regiment Dragoons. This resolution was followed by a memorial signed by 36 of the most distinguished members of the Senate recommending Lieutenant Schaumburg for promotion. This, however, was not done, and Lieutenant Schaumburg was not reinstated.

"Mr. Schaumburg claims that he is entitled to recover from the United States his salary as first lieutenant of dragoons from the time he was commissioned, on the 1st day of July, 1836, to the time he was removed by the order of President Tyler, on the 24th of March, 1845.

"Your committee further find that Lieutenant Schaumburg, in the year 1860, was appointed a paymaster in the United States Army; that he continued as such until he resigned in 1863.

"Subsequently, and in the year 1874, suit was brought by the United States in the district court of the United States for the eastern district of Philadelphia against the said James W. Schaumburg and his sureties upon his bond executed by him and such sureties for the faithful performance of his duties as such paymaster, in which suit it was claimed that said Schaumburg and his sureties were indebted to the United States for default in the performance of the conditions of said bond in the sum of \$306.30.

"To this claim the said Schaumburg interposed a plea that the United States was indebted to him in the sum of \$38,140.70 for undrawn pay and emoluments due him as first lieutenant in the First Regiment of Dragoons from the time he was commissioned as such as aforesaid to the commencement of said action.

"Thereupon issue was duly joined, and afterwards, at a session of said court held at the city of Philadelphia before the Hon. John Cadwalder, judge of the district court of the United States for said district, on the 23d day of November, A. D. 1875, the said issue came on to be tried by a jury of said district, and having been so tried, the court instructed the jury as follows:

"That the defendant was from the 1st of July, 1836, until the 24th of March, 1845, in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he is entitled as such to credit for the pay and emoluments accrued during this period.

"That as this credit was admitted to exceed the whole of the plaintiff's demand, the verdict should be for the defendant."

"In this action was adjudged that there was due the claimant on the claim presented by him the sum of \$11,165.31, which, being reduced by the amount of \$900, recognized as due the Government, left a balance due the claimant of \$10,265.31, as carried by the bill as amended.

"President Tyler recognized the justice of Mr. Schaumburg's claim, and in 1843 General Jackson wrote a letter explaining the status of this claim and completely vindicating the claim made by Mr. Schaumburg.

"On the foregoing statement of facts your committee are of opinion that the bill ought to be amended as hereinbefore indicated, and as amended it ought to pass."

Mr. COCKRELL. Mr. President, in the report it is said:

"The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Supreme Court Reports, page 667."

This was in 1880.

Further on in the report it says:

"In this action was adjudged that there was due the claimant on the claim presented by him the sum of \$11,165.31, which, being reduced by the amount of \$900, recognized as due the Government, left a balance due the claimant of \$10,265.31, as carried by the bill as amended.

Everybody would infer from that that the court there had rendered a judgment in favor of this man. The exact reverse is the case, and I want to put on record some extracts from the decision of the Supreme Court of the United States, found in 103 United States Supreme Court Reports, page 667:

#### SCHAUMBURG V. UNITED STATES.

1. United States v. Eckford (6 Wall., 484), reaffirmed.

Error to the circuit court of the United States for the eastern district of Pennsylvania.

Mr. George W. Biddle and Mr. Charles Henry Jones for the plaintiff in error.

That is, for Mr. Schaumburg, who was the plaintiff in error. It seems that he took an appeal or sued out a writ of error with respect to this judgment which he is now claiming was a judgment in his favor.

The Solicitor-General, contra.

Mr. Chief Justice Waite delivered the opinion of the court.

The judgment in this case is affirmed on the authority of United States v. Eckford, 6 Wall., 484. Claims for credit can be used in suits against persons indebted to the United States to reduce or extinguish the debt, but not as the foundation of a judgment against the Government. In the present case the court instructed the jury as matter of law that the plaintiff in error, from July 1, 1836, until March 24, 1845, was in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he was entitled as such to credit for the pay and emoluments that accrued during that period, and this was admitted to exceed the debt sued on by the United States. The jury thereupon brought in a verdict for the defendant.

Judgment was rendered for the United States and not for Schaumburg.

Had the jury gone further and struck the balance that would be due from the United States, no judgment could have been rendered for it. Any verdict, therefore, beyond the one actually given would have been fruitless.

Mr. STEWART. The United States brought the suit, did it not? He was the defendant in the court below?

Mr. COCKRELL. I say there was no judgment rendered in his favor. The judgment was just simply—

Mr. STEWART. The court held that it could not be offset?

Mr. COCKRELL. That the United States could recover nothing. That was all.

Mr. SPOONER. That was a judgment in favor of the defendant?

Mr. COCKRELL. Yes; that the United States could recover

nothing against him, but it was not a judgment in favor of the defendant for the amount.

Had the jury gone further and struck the balance that would be due from the United States, no judgment could have been rendered for it. Any verdict, therefore, beyond the one actually given would have been fruitless. The court itself decided that the plaintiff in error was entitled to his pay and emoluments from July 1, 1836, to March 24, 1845. While sometimes the jury have been permitted to certify to a balance they find to be due from the Government in cases of this kind, and under some circumstances it may be proper they should do so, a refusal of the court to direct that it be done can not be reviewed here.

Now, mark you, this suit was brought in 1874, thirty-two years after he ceased to make any claim to be an officer. In view of the statute of limitations, which does not seem to have been pleaded by the Government, how could he bring that in as a valid offset? This thing has gone on. Once the whole thing was reviewed by the Senate, and re-reviewed. I simply want to enter this of record. The case has been here off and on ever since 1845, but I do not suppose anything I could say now, in reviewing the various decisions made, would have any effect. Sometimes the reports have been favorable and sometimes they have been against him. It was an old controversy as to the question of jurisdiction and power between the President and the War Department, and I simply want to say that the statements in the report of the House do not carry out what they apparently represent. I shall record my vote against the bill.

Mr. SPOONER. Mr. President, the Senator from Missouri is entirely correct that the House report is misleading, but the Senator does not reach the real point. The House report is misleading because as the report reads it leads one to infer that a judgment was rendered in favor of Lieutenant Schaumburg in the circuit court for \$11,000, and that on appeal that judgment was affirmed. That is not the fact. The fact is that the Government sued him and his sureties on a bond for \$306. That does not necessarily mean that he was a defaulter, nor does it often mean, because the Government has a cause of action on a bond, that the officer was except in a purely technical sense, a defaulter. It often happens that items are disputed and disallowed where there is no possible force in the claim that the officer is a defaulter in the common acceptance of that word, which carries with it opprobrium.

He pleaded a lawful offset under the acts of Congress; and in order to be permitted to sustain that offset, of which the court had perfect jurisdiction, it was necessary for him to prove his claim. The court decided, as a matter of law—and Judge Cadwallader was one of the best judges who ever sat upon the circuit court bench—

Mr. COCKRELL. I wish to ask a question of the Senator.

Mr. SPOONER. I desire to finish the sentence, if the Senator will permit me.

Mr. COCKRELL. Certainly.

Mr. SPOONER. The court decided as a matter of law that Lieutenant Schaumburg was entitled to pay as lieutenant of dragoons between these dates, and it was liquidated so far as to determine in that case the amount—eleven thousand and some hundred dollars. The claim was established, on a contest by the Government, before a United States judge, that the Government was indebted to him as compensation for services as lieutenant of dragoons in the sum of eleven thousand and some hundred dollars. But, of course, the court could do no more than to apply that offset upon the Government's claim of three hundred and odd dollars, because there was no authority of law to render a judgment for the defendant and against the Government. The Government can not be sued without its consent. Since then we have provided that the Government may be sued in these courts, but as the law stood then no provision was made by which a judgment could be rendered for the counterclaim against the Government.

But it was adjudicated, and when he went to the court on the writ of error from that judgment, it was with the claim that he was entitled to a direction from Judge Cadwallader that the jury should find a verdict for the whole amount against the Government. The Supreme Court held, on the basis of United States v. Eckford, that that judgment against the Government on this counter claim could not be allowed. The syllabus in United States v. Eckford is as follows:

When the United States is plaintiff and the defendant has pleaded a set-off (as certain acts of Congress authorize him to do), no judgment for any ascertained excess can be rendered against the Government, although it may be judicially ascertained—

As it was in this case—

that, on striking a balance of just demands, the Government is indebted to the defendant in such amount.

That had to be ascertained in order to enable the application of the doctrine of set-off at all, and it was judicially ascertained in that court, a court having jurisdiction of the parties and of the case, that this amount was due from the United States to this officer.



Now, it was recognized by the Treasury Department as adjudicated. One would think he ought to have his money. I say again what I said the other day—that where a claim of a citizen against the Government is adjudicated in this way as a matter of law in one of the Government's own courts, he ought to be paid the money. Lieutenant Schaumburg died before the law was changed, as I recollect it, so that he could sue the Government, but there on the record is the adjudication in that case that the Government owed him this money. Of course it has been running along a long time. There is nothing in all this delay that can be imputed as the fault of Lieutenant Schaumburg. The bill was introduced in the first place in 1882. I remember reading and incorporating in a report years ago, I think, a long letter from General Jackson, of the strongest imaginable kind, justifying the claim of this lieutenant and denouncing as outrageous the treatment which had been accorded to him.

The PRESIDENT pro tempore. It is the painful duty of the Chair to call time on the Senator from Wisconsin.

Mr. COCKRELL. I hope the time will be extended by unanimous consent until the Senator can answer a question.

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SPOONER. Is that the limit of the consent?

Mr. COCKRELL. Yes.

Mr. SPOONER. I want to say a few words more about the claim.

Mr. COCKRELL. The suit by the Government was on a bond given in 1860 as paymaster.

Mr. SPOONER. Yes.

Mr. COCKRELL. That suit was brought in 1874, and at that time the Court of Claims had jurisdiction of suits against the Government. This officer, Lieutenant Schaumburg, had the same claim then that he had when this suit was brought, but it was barred by limitation, not having been brought within six years. Now, then, could he in a court which had jurisdiction and full knowledge of the law governing suits between individuals and the Government plead as an offset what he himself could not sue upon?

Mr. SPOONER. My answer to that is that he did plead that as an offset.

Mr. COCKRELL. Yes, and the United States attorney there probably knew nothing about the rights of the United States on these questions under the law governing in the Court of Claims. I do not suppose it was pleaded. If it had been pleaded, it would have been a complete bar.

Mr. SPOONER. I do not suppose there ever has been a United States district attorney in that district who did not know about the statute of limitations. One thing is very certain; there either was none applicable, or he did not raise it, or, if he did raise the question, the court decided against it.

Mr. COCKRELL. There is no question about that. There is no doubt the court decided that this man was an officer from a certain day to a certain day.

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. WARREN. I ask, in the interest of the Committee on Claims and for its relief in some of these matters, that the Senator from Wisconsin may have unlimited time to proceed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SPOONER. I object. I do not want unlimited time. But I think a citizen ought not to be treated in this way. I think Congress ought not to assume that a United States district attorney did not know of the statute of limitations. I think where the judgment was rendered on the set-off, and the claim adjudicated as a matter of law by a man like Judge Cadwallader, there ought to be some substantial reason given for impeaching it, and there is none given. It has been recognized by the Treasury officers as a just claim and a fair adjudication. Judge Folger, who was a great lawyer, recommended its payment. Ex-Secretary Fairchild recommended its payment. This man, on the record, was shabbily treated. He was commissioned a lieutenant of dragoons away back—

Mr. COCKRELL. In 1836.

Mr. SPOONER. In 1836. Is it pretended there was no such office? Is it pretended he was ineligible? He could not have been commissioned without an appointment by the President. He could not have been commissioned without a confirmation. All that occurred.

Mr. COCKRELL. The Senate did act upon it and said he did not have a right to it. This august body, the greatest legislative body in the world, decided he had no right.

Mr. SPOONER. This is not the greatest legislative body in the world. It is one of the branches of, I think, perhaps the greatest

legislative body in the world, and this may be the greatest part of the greatest legislative body in the world. I am not disposed to dispute that. We all admit that ourselves, Mr. President. [Laughter.]

He was commissioned by the President and confirmed by the Senate. That made him a lieutenant of dragoons in the United States Army and entitled him to pay as such under the laws of the United States. Then came a controversy between the War Department and the President. The military authorities refused to put his name on the roll. The President, as Commander in Chief, directed that it be done, and it was done. Then the Senate, not acting as a legislative body, I take it, perhaps it was acting as an executive body, it certainly could not itself pass a law, passed a resolution.

Mr. COCKRELL. The Senate passed a resolution on the 19th of March, 1845.

Mr. President, just one word. I know the Senator does not want to misrepresent the case.

Mr. SPOONER. Oh, no.

Mr. COCKRELL. This officer was never confirmed by the Senate.

Mr. SPOONER. He was not?

Mr. COCKRELL. It was a question purely between the Executive and the War Department at different times, and there never was a commission except such as the President issues upon the appointment of an officer before confirmation. The whole question arose in that way. But I make no point on this matter, as far as I am concerned. I simply want to state the facts in the case.

Mr. SPOONER. Judge Cadwallader decided, as a matter of law, that he was lieutenant of dragoons.

The Senate passed a resolution that he was not. Then, in a couple of years the Senate passed a resolution that he was, and he was assigned to duty. So it went along for years.

Mr. COCKRELL. First one way and then the other, according to the way the reports were made.

Mr. SPOONER. But he did not get any pay. He was dancing between these two great departments; they deciding one month one way about his title and another month another way about his title. No man was ever treated worse. He was entitled to have it settled. If he was in law a lieutenant of dragoons, as the court held he was, and as these Secretaries of the Treasury decided he was, he ought to have had his pay, and he ought to have had it when it would have done him some good. But he never received it.

This bill has passed the Senate a number of times; it has been favorably reported in the House a number of times, and it has seemed to me that it ought to pass and the case be set at rest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. NELSON in the chair). Shall the bill pass?

Mr. COCKRELL. I want it simply to be noted that I vote no; that I am among the few who vote that way.

The bill was passed.

RAMON O. WILLIAMS AND JOSEPH A. SPRINGER.

The bill (S. 3967) for the relief of Ramon O. Williams and Joseph A. Springer was considered as in Committee of the Whole. It proposes to pay to Ramon O. Williams, late consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, \$2,222.08; and to Joseph A. Springer, late vice-consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, \$200.54, both amounts as shown on the records of the State Department and as recommended for payment by the State Department to the Fifty-fifth and Fifty-sixth Congresses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GENERAL EDUCATION BOARD.

The bill (S. 4419) to incorporate the General Education Board was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. SIMMONS. Mr. President, contemporaneously with the declaration of war against Spain Congress passed what has come to be known as the "Teller resolution." The fourth section of

the resolution, which refers exclusively to Cuba, is in the following words:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Later and contemporaneously with the ratification of the treaty of peace known as the "treaty of Paris," by which we acquired title to the Philippine Islands, the Senate passed what has come to be known as the "McEnery resolution." This resolution is in the following words:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

The Teller resolution, I have no doubt, expressed the purpose of Congress and the country as to Cuba. There has been no change of our purpose as expressed in this resolution toward that island, and we are informed by the press of the country that in a very short time our army of occupation is to be withdrawn and the island turned over to the government of its own people. Although it has been doubted, I assume that at the time of its passage by the Senate the McEnery resolution in like manner expressed the purpose, not only of the Senate, but of the people of this country toward the Philippines.

On the 24th day of February, in this year, when the bill temporarily to provide revenue for the Philippine Islands, and for other purposes, was before the Senate, the junior Senator from Missouri [Mr. VEST] offered as an amendment to that bill the McEnery resolution, and upon a ye-a-and-nay vote that amendment was defeated by a vote of 24 to 43. The division of the Senate upon the amendment was upon party lines: the Republicans, with the exception of the Senator from Maryland [Mr. WELLINGTON], voting against the amendment and the Democrats voting for it.

On the same day the senior Senator from Colorado [Mr. TELLER] offered as an amendment to the Philippine tariff bill a certain amendment, of which I read one section:

That it is not intended by the Government of the United States to permanently annex the Philippine Islands as an integral part of the United States, but it is the determination of the United States to establish, with the consent and assistance of the inhabitants thereof, a government or governments suitable to their wants and condition, and that shall give to the inhabitants the control and administration of their local affairs, such as the raising of revenue and the disposition thereof; the maintenance of peace and order in the several communities of said islands that have been or that may be organized by the people thereof, and eventually to give them their independence.

Upon a ye-a-and-nay vote this amendment was defeated by a vote of 20 to 44, the Democrats voting for and the Republicans against the amendment.

The position of the Republican party in the last Presidential campaign upon the subject of Filipino independence, the discussion of the subject by the representatives of that party on the hustings and in the press, the general course and policy of the Administration since the election, and the debate which preceded these votes of the Senate, all indicated a change of purpose, as that purpose was expressed in the McEnery resolution, on the part of the dominant party toward these islands.

Before these votes there might have been some possible grounds for doubt as to the ultimate purpose of the dominant party in regard to the Philippines. Now, there is no longer room for doubt. The vote of the Republican party upon these amendments is capable of but one interpretation, and that is that it has become the fixed purpose of that party, as far as it can control the matter, to hold these islands for all time as a possession of this country.

I have no disposition, Mr. President, to discuss the motives or reasons which have led the dominant party to settle upon one line of policy toward Cuba and a wholly different line of policy toward the Philippines. That would, I apprehend, be unprofitable. But I do wish to say that there is, in my judgment, no justification for this differentiation, either in morals, public policy, or national obligation; nor yet in the physical or political conditions of these two countries or of their people. At the close of the war with Spain both of these countries were absolutely in our power. We chose to give independence to one; to deny it to the other. Upon what grounds can we defend this discrimination?

It can not be excused or defended upon the ground that the Filipino is less capable, or less prepared, or less ready for self-government than the Cuban. I have not been able to give this feature of the subject close study, but from the study I have been able to give it I am satisfied that the Filipino is just as well prepared and just as ready for self-government as the Cuban. The native uneducated Filipino is just as intelligent, just as bright,

as the native uneducated Cuban. There is an educated class in both islands, but if there is any difference between them it is very slight and not material. There is also a foreign element in both the islands, but with reference to this foreign element there is this important distinction—that it is in closer touch and sympathy with the native Filipino than it is with the native Cuban.

Neither can this distinction in treatment be justified upon the ground that we promised independence to the people of one of these countries and did not promise it to the other, or to any difference in aspiration of these people in this regard. Both of these people, when we interfered in their affairs, were similarly situated with reference to Spain. Both of them were in insurrection against her authority; both of them were fighting for independence, and neither of them was considering any terms of surrender, or settlement, or reconciliation short of independence. The insurrectionary armies of both of these countries joined with our forces in overthrowing the power of Spain, and in both instances with the understanding, either expressed or implied, that if success attended our joint efforts they were to have independence.

I am glad we have kept faith with Cuba. I am glad that in her case we have been strong enough to resist the thirst of empire and the lust of power. I had hoped that we would pursue the same course with reference to the Filipinos, and after helping them to establish a stable government we would turn that government over to the people of the islands and safeguard it as we have done in the case of Cuba against the encroachments of any predatory nation.

There are many things involved in the Filipino situation about which I have had doubts and about which I still have doubts, but there is one proposition in connection with it about which there is not now and never has been any doubt in my mind. That proposition is this: That considering our own interest, present as well as future, this Government ought to relinquish possession of these islands and withdraw from the archipelago just as soon as it can do so consistently with honor and our national obligations to those people. This far I feel certain. Beyond this, I confess I have doubts.

I know it is the settled purpose of the Republican party, as now constituted, to permanently retain these islands, but I am not so sure that such is the purpose of a majority of the people of this country. I do not believe they have yet passed upon that question. I do not believe the result of the last election meant that. That question was discussed in the campaign which preceded that election, it is true, and it may have had something to do with the result, but the people of this country were not then in possession of sufficient information about the question to enable them to properly render a judicial and final decision upon the issue raised.

We know more about the Filipino situation now than we did then; but even now we know but little, and much of the information that we have is admittedly unsatisfactory and unreliable, and much of it contradictory. No question of such momentous importance, involving the welfare of 70,000,000 people here and 10,000,000 there, can be safely decided upon such meager and unreliable information as we then had, or even as we now have, with reference to these people, their character, their capacity, their aspirations, and their disposition toward us.

But if it is the fixed and settled policy of this Government, or if it shall hereafter become the fixed and settled policy of this Government, to permanently retain these islands, and we are confronted with the question as to how we shall govern them, whether as dependencies or under the Constitution, whatever may be the views of others, as between these two alternatives, I confess I should, if compelled to choose, make the choice with grave misgivings.

We can not govern them as colonies without trampling under foot there the fundamental principles of our Constitution, and we can not sanction an outrage upon these principles there without endangering them at home. We can not with safety link freedom in government with absolutism. On the other hand, we can not admit these people, many of them only half civilized and only a part of them with any just comprehension of the principles of self-government, as citizens of the Republic without degrading the citizenship of the nation and inviting countless dangers.

I do not doubt that these people are capable of establishing, and, with our assistance, that they would establish, a government satisfactory to themselves and suitable to their condition; but I am satisfied that at present they are, with very slight exceptions, utterly incapable of understanding or applying the principles of free republican government according to American standard and ideal. More than that, I am satisfied that they are by heredity incapable of understanding or applying these principles. It has taken ages to develop from the best possible material a people entirely fit for constitutional freedom. Many enlightened nations are still unequal to that condition.



It is the high privilege of America to inculcate the doctrine of man's capability for self-government, but we recognize the limitations and conditions that could render it expedient to establish a republican form of government among people not prepared for it.

Mr. President, we have had some experience in this country in trying to train by education an inferior race, a race which has never shown any initiative in self-government, in the practices and principles of our constitutional system. For thirty years the negro has been not only a member of a self-governing community, but a participant in that Government. During that time millions of dollars have been spent to educate him and to fit him for the duties and responsibilities of American citizenship.

Those who are most familiar with the result know that he is to-day but little better prepared for an intelligent and responsible discharge of those duties than he was in the beginning. If he has made any improvement or progress in that regard it has been exceedingly slight. The duties of suffrage and of citizenship under our constitutional system seem to be a thing beyond the capacity of his understanding. The defect in his case is not to be overcome, as the experience of the last thirty years shows, by education or by training, and the reason is obvious. It is a defect of heredity.

The system of laws which the Taft Commission has promulgated and is attempting to enforce in the Christian and pacified provinces of the Philippine Archipelago was framed in recognition of the present incapacity of those people and of their inherent lack of those qualities and virtues without which successful self-government is not possible. Governor Taft and the Commission frankly admit this. Their hope and theory is that these defects may be overcome by training and practical education through object lessons in civil government. In my judgment there is nothing to justify this hope, either in our own experience or in history, and the result will be disappointment and failure.

I do not desire to enter into any harsh criticism of the Commission or of the government that they have established there, but I do want to say, with reference to the government that they have established there, the un-American, the un-Republican, the despotic, the arbitrary, the tyrannical system of government that they have established there, and which I assume they have established not from choice but because, from their knowledge of that country and its people, they were satisfied they could not be governed with safety except by arbitrary methods, is strong evidence, and to my mind conclusive evidence, that those are not a people to be taken into the body of our citizenship.

It is somewhat of a digression from my purpose, but I want to say in this connection—because it seems to be the fit place in which to say it—that I have no disposition and have not had any disposition to criticise our army of occupation in the Philippines. I have wanted to believe well of our Army; I have wanted to believe that they were conducting the war there according to the usages and laws of civilized warfare. Early in this session, when I heard these charges of cruelty, of barbarity, of devastation, and of inhumanity against our Army there, I confess frankly I was not disposed to believe them, and in private conversation I repeatedly expressed the opinion that the American people would not believe such charges against our Army unless they were established by the most indubitable proof. I even felt resentful.

But, Mr. President, the developments of the last few months have dispelled any doubts about this matter and constrained and coerced me to believe those charges. At first there was a disposition to deny the horrible practice known as the water cure. Now nobody any longer denies that it was practiced, not sporadically and in individual instances, but systematically and by authority. There is not now any disposition to deny the charge of unnecessary burning of villages and towns. There is no denial of the charge of reconcentration of helpless women and children, probably not quite as bad as the reconcentration of the bloody and cruel Weyler, but still in a most cruel and objectionable form.

But, Mr. President, if there were any doubts about these charges of cruelty, and barbarity, and inhumanity on the part of our Army they have all been dispelled by an order issued by one in authority, by one who, until recently, has stood high in the Army and in the estimation of the country, by one who had a right to issue orders, by one who had a right to demand obedience to his orders, and obedience to whose orders has been held a sufficient justification for murder by an American court-martial.

That order, Mr. President, was a military order, a military command, to go into the island of Samar and there murder and kill—for it can not be called by any other name—every person capable of bearing arms, beginning almost at the cradle, at the age of 10, and going almost to the grave. There is no other order recorded, Mr. President, in all history which parallels this order, except that of Herod the King, when he directed that all the children who were in Bethlehem and in all the coasts thereof from 2 years and under should be slain, in order that he might compass the

death of Him of whom it was said He came to be King of the Jews, the Christ and Saviour of mankind.

Mr. President, we have not long been in the colonial business, but we have made very rapid progress during the short time that we have been in it. I challenge Senators on the other side to cite a single instance in the annals of English or Spanish colonialism whose details are more horrible and shocking than that of this order to our army in Samar.

In the presence of these cruelties and barbarities, this uncivilized and un-Christian warfare, one who loves his country feels that the only thing he can do is to bow his head in shame. There it but one other thing, Mr. President, I feel like doing, and that is to appeal to the brave, honorable, and humane man who now occupies the White House to probe these things to the bottom, and bring the men, however high in office and position, who have perpetrated them or are responsible for their perpetration, to condign punishment. We can at least by fitting the punishment, if there be any law adequate to that, to the crime, make the offense odious. But, Mr. President, I have digressed from the subject. I was discussing the government the Taft Commission had promulgated for the archipelago.

I have examined with considerable care the civil codes promulgated by the Commission. Considered as simple rules for the regulation of the conduct of the citizens, most of these laws seem to be just and fair. In fact, many of them are almost identical with the laws which obtain in this country for the government of our towns, cities, and counties. But, in order to adjust them to the prejudices, the traditions, and nature of these Oriental people, there is interwoven in them, as their dominant element, the principle of Spanish absolutism. The body of these codes is American, but the great animating principles of American Government are omitted. Mr. President, in corroboration of this statement, I think it will be profitable to enumerate some of the more striking and essential features of the American constitutional system which the Commission has, from necessity, I assume, omitted from these codes.

Under the American system, and under every system entitled to be called Republican, the right of the people to select their governors and lawmakers is fundamental. Under the Taft code the people of the archipelago are permitted to do neither. Under certain limitations and restrictions they may pass certain town ordinances, provincial regulations, and elect certain minor officers; but in the exercise of all these functions they are subject to the supervision and control of the central power which owes its life and authority, not to the people of the island, but to the President of the United States under the laws of Congress. The Commission is the supreme power in the island. It appoints all the chief provincial officers, both judicial and executive, and they are subject to removal at its will.

It is a fundamental principle of jurisprudence in this country that the legislative, judicial, and executive departments shall be forever kept separate and distinct. There is hardly a State in the Union whose constitution does not contain this express provision. Under the system which we have established in the Philippines the Commission is at once the legislative and the executive department of the government. It makes the laws and executes them, or appoints agents to execute them, which is the same thing. Indeed, a part of the salary of the Commission is paid to them for the performance of their legislative duties and a part for the performance of their executive duties. They not only make the laws and enforce the laws, but appoint the judges who are to interpret and expound them.

In this country and in every government entitled to be called free it is a fundamental principle that there shall be no taxation without representation. Under the system which we have established in these islands the people have no voice in levying the general tax for the support of the government or in disbursing the proceeds when collected.

In every free government trial by jury is regarded as the palladium of the liberty of the citizen, indispensable to the protection of life, liberty, and property. Under the system of government we have established in the Philippines trial by jury is unknown. The judges both find the facts and determine the law.

In every free government the right of petition to redress grievances and the freedom of the press and of individual speech is regarded as sacred, and is either safeguarded in the constitution or in customs having the force of constitutional authority. Under our control in these islands it is a crime to petition and to remonstrate. Two newspaper editors—both friendly to American occupation—have recently been arrested there by order of the Taft Commission and incarcerated for presuming to publish, with approving comments, an article criticising the Commission which had already appeared in an American journal.

When the editor of Freedom, one of these papers, was arraigned for trial the other day in Manila a very remarkable scene occurred. In this country we demand that the judiciary shall be

free and independent and shall take orders from no one, being amenable only to conscience and the law of the land. When this case was called, the presiding judge showed a disposition to grant the defendant's motion for a week's delay, that he might get ready for trial. The prosecuting attorney, appointed by the Taft Commission, representing that Commission and speaking for it, boldly and defiantly said to the court, in substance:

"You know the wishes of the Government in this matter, and I want to know whether those wishes are to be carried out." That such a demand could be made of an American court should bring the blush of shame to every citizen in this country, where we proudly boast of an independent judiciary. Manifestly there the court is regarded as only the tool of the Commission. That is what the prosecuting attorney plainly told the court in this instance. Fortunately for the honor of our country, this judge was not intimidated by this threat from the Commission.

We ought to feel proud, and I do feel proud, that the judge sitting upon that bench, who also held his commission from the Taft Commission, who knew that his disobedience to the will of that Commission meant possibly his decapitation, in the presence of this threat and this danger had the strength and the manhood to assert the independence of the American judiciary and to declare that there were rights of individuals as well as rights of government. A statue of that judge, when he passes away, should be placed in the solemn circle in Statuary Hall at the other end of this building.

Mr. President, I had hoped, and I have no doubt the American people had hoped, that when the Committee on the Philippines reported their bill providing for a civil government for the Philippines they would disclose what the Republican party has up to this time apparently sought to keep concealed, and that they would inform the American people in this bill what was to be the ultimate purpose of the Republican party with reference to the Philippine Islands.

That is the burning question, not only in this country, but in the Philippines. And yet when their bill comes in—and I am not going to discuss its details—it contains only about six pages with reference to the civil government of the islands, although it is a bill of a hundred pages and bears the rather proud title of "A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." It would have been better if it had been entitled "A bill for other purposes than the administration of civil government in the Philippine Islands."

The only thing in the bill which indicates in any way the ultimate purpose of the Republican party with reference to these islands is that provision of it for the taking of a census. In the census provision of the bill we are informed that this census is to be taken for the purpose of enabling us to ascertain whether these people are ready and fit and capable of self-government. Mr. President, the majority of the committee well knew the capacity of no people for self-government can be ascertained by censuses, and when the Republican party contented itself with providing for a census it simply put in what we lawyers know in the courthouse as a dilatory plea, something to answer the demand of the people here and in the Philippines to know what they proposed to do with these people and their country.

Mr. President, so far the Commission has confined its efforts toward establishing civil government, to organize the civilized and Christian provinces. It has not established nor attempted to establish a government of any sort in the Mohammedan, or Moro, and uncivilized provinces, such as the Sulu group and Mindanao. Although these Moros are said to be pacified and the people friendly to us, no serious attempt has been made to bring them under our control. No serious effort has been made to stop polygamy or abolish slavery among them. The sultans are still there. Indeed, some of the sultans are said to be upon our pay roll. They and their subchiefs, *datos*, are in control. The government which we found there, modeled after that of Turkey and submitted to by Spain because of the fierce and warlike character of these people, still continues under our sovereignty.

How long are these abhorrent conditions to continue? What is the remedy? The Commission tells us the remedy is education and training in government and that it will take generations before these people will voluntarily give up their ways and customs and become capable of self-government. Perhaps the Commission is correct in its estimates and predictions, and eventually, after the lapse of generations, these people may become enlightened freemen, but I do not believe it. I do not believe these methods will accomplish these results in generations or centuries, if, indeed, they will ever accomplish them.

In the meantime, Mr. President, the government which exists in these semibarbarous provinces exists by our acquiescence, by our sanction and implied consent. It is under our flag, under our sovereignty. We are responsible for it. In a large sense it is our government.

If we can not give up the Christian provinces without violating

our national obligations, neither can we give up the Moro provinces without violating our national obligations. Our responsibility is the same in each case. For myself, I want to say if every Christian province and island in the Philippine Archipelago were pacified and Republican government established in them and in successful operation, and they were in easy access instead of 7,000 miles away, and their trade ten times greater than it is, I had rather see them and their trade gone from us forever than to have the American flag, the emblem of our sovereignty, float over and give its countenance to the conditions which exist in the Mindanao and Moro group, or have this Government, even by acquiescence, seem to sanction such conditions.

Mr. President, we are told these islands came to us as a result of the war and that the American people will not consent to give them up. Perhaps that is true. But why do we want to keep them? Why are we not willing to relinquish them? Are we influenced by considerations of duty toward the people of the islands? I do not believe that, nor do I think that anybody else believes it. I do not believe there is anywhere among our people a disposition to assume, for the sake of the Filipino, burdens not already imposed by our national obligations. Convince the American people that we are spending from seventy-five to one hundred million dollars a year and sacrificing the lives and health of our soldiers simply to teach the Filipinos the art of Republican government to better their material, intellectual, and moral condition and the demand for the retention of these islands will cease. We will hear no more talk about destiny, duty, and national obligation.

The truth is, and everybody knows it, we want these islands for purposes of exploitation, for purposes of commercial advantage. The people have been led to believe if we keep them we can coerce their trade and, by one device or another, force them to buy our goods; that it means 10,000,000 more customers for our mills and factories, and that it opens a gateway to the markets of the Orient. Such is the general impression, and this is largely, if not altogether, the inspiration of whatever sentiment exists in favor of the retention of these islands. It is a matter of trade, of markets for goods. This, I am sure, is the view taken of it in my State, and I believe elsewhere.

Now, Mr. President, considered from the standpoint of trade and profit, what are these islands worth to us in their present condition? What are they likely to be worth to us in the future? What is their present trade and what is our share of it? Their total exports and imports during the last fiscal year were, in round numbers, only about \$59,000,000, and our share only about \$5,600,000. It is not, therefore, the present trade of the islands—for that is insignificant—which attracts those who are looking forward to trade advantages. The trade which they want is not that which exists now, but that which they expect to be created there by the exploitation and development of the islands with American capital.

I do not say they will be altogether disappointed. Undoubtedly the islands are capable of great development, especially on agricultural lines. The soil is fertile, especially the valley lands. Many valleys are subject to overflow and annually receive a deposit which enriches them. A large area may be cultivated many years without artificial fertilization. If we retain them, American capital will go there. It will build railroads; to a limited extent it will establish factories; it will clear the lands and reduce them to cultivation. This will create trade. But, Mr. President, every dollar invested in the exploitation and development of the Philippines, every dollar invested in building railroads and factories and cultivating lands there will be a dollar withdrawn from the development of the boundless undeveloped resources at our own doors.

If the islands become valuable to us for trade, we must make that trade, and we will have to make it by the withdrawal of capital needed here and which can be more profitably employed here in the development of our own resources. More than that, Mr. President, whatever trade we create here by the development of our own mines, forests, fields, and factories is practically all our own. While at present we are only getting about 8 per cent of the trade of the Philippines, and, under most favorable conditions, if we retain the islands and develop them, in view of the experience of the colonizing nations of Europe, it can be safely said we can not hope to get more than a part of their trade.

That has been largely the experience of England with her colonies. England owns Canada, yet we sell Canada more than twice as much as she does. We sold Canada during the fiscal year ending June 30, 1900, \$83,000,000, while England sold her during the same period only \$37,000,000. This was in the face of a preferential tariff of 25 per cent in favor of British goods.

Hongkong belongs to Great Britain, yet Great Britain gets only one-half of the trade of Hongkong.

Government relations, Mr. President, do not constrain commerce; trade makes its way guided solely by profit and interest.



Mr. President, we do not need any more territory; we have no need for more lands; we have enough already. England may have needed more, for she is but a pent-up Utica. So, in a less degree, with France, Germany, and the other colonizing nations of Europe; but we have a domain, the most magnificent in area that the sun ever shone upon, stretching from ocean to ocean and from the Lakes to the Gulf, much of its forests and minerals undeveloped. Especially is this true of the section from which I come, that great empire stretching southward from the Potomac, with its rich and boundless ores, forests, coal measures, and oil fields scarcely touched, and much of its land yet in its virgin condition. It alone can furnish homes for hundreds of millions of people and give profitable employment to many billions of capital.

In that section of our common country alone there are undeveloped resources sufficient to afford profitable investment for all of our unemployed capital for generations to come. Its development has only fairly begun. The South was, until recent years, distinctively an agricultural country, and yet, after all these years, its agriculture is still in its youth. But little more than half of its agricultural lands have been cleared. By reason of its sparse population, not more than two-thirds of that which has been cleared is cultivated, and because of its inefficient system of labor and lack of capital, that which is cultivated does not yield much more than a half of what it is capable of producing.

And yet, even under these adverse conditions, its agricultural products during the last twenty years have enormously increased. The cotton crop of the South for the year 1880 was 5,000,000 bales; in 1890, 7,000,000 bales; in 1899, 11,275,000 bales. It is difficult to estimate the extent of the tobacco land of the South. Only a part of the land adapted to the growth of tobacco is cultivated in that way. In my own State in the last fifteen years the tobacco area has been more than doubled. The same thing may be said of the truck industry and of various other agricultural products.

Manufacturing and mining in the South are in their infancy. They are capable of indefinite development. The record of the last twenty years is a history of marvelous growth, and yet it is only an earnest of what can be accomplished and will be accomplished in the future whenever the needed capital shall be employed in securing development. Let me give a few of the figures showing what has already been done in manufacturing in this section that was formerly so exclusively agricultural.

In 1880 the number of manufacturing establishments in the South was—I only give round numbers—43,000; in 1890, 53,000; in 1900, 92,000. Capital invested in manufacturing in the South in 1880 amounted to \$251,000,000; in 1890, \$630,000,000; in 1900, \$1,111,000,000. Value of products of Southern factories in 1880, \$455,000,000; in 1890, \$878,000,000; in 1900, \$1,419,000,000. Lumber and timber products in 1880, \$39,930,000; in 1890, \$90,738,000; in 1900, \$188,144,000. Manufacture of sugar for Louisiana in 1880, \$1,480,000; in 1890, \$12,603,000; in 1900, \$47,891,000.

In North Carolina, my own State, the number of manufacturing establishments in 1890 were 3,667; in 1900, 7,226, an increase of 92 per cent. Capital invested in manufacturing in North Carolina in 1890, \$32,745,000; in 1900, \$76,503,000, an increase of 133 per cent. Value of property employed in manufacturing in 1890, \$43,375,000; in 1900, \$144,919,000, an increase in ten years of 135 per cent.

As wonderful as this record is, the growth of manufacturing at the South, as I said before, has been retarded by the want of capital. The increase of these twenty years is but a fraction of what will be the increase of the next twenty years if the capital which we expect will find investment there is not unfortunately diverted from us for the purposes of exploitation in distant parts of the world. Certainly no other part of the world to-day offers more profitable investment than the South. What is true of the South is also relatively true of a large area in the western part of our country.

If the money which we have spent in the Philippines since the close of the Spanish war had been invested in the reclamation of the arid lands of the West millions of acres of valuable land would to-day be open to settlers, and in the next generation would have yielded a trade more profitable than any we can hope to get from the Philippines for generations to come. I assert with entire confidence, Mr. President, that the same amount of money expended in the South and in certain sections of the West in the development of our resources there would create many times the trade, many times the demand for the products of our mines and factories, that the same amount of money expended in the Philippines would create.

Mr. President, every consideration should lead us to build up our country and trade here at home before seeking doubtful and hazardous enterprises abroad.

In considering the value to us of the Philippines for the purpose of trade, we must also consider the cost of subduing them and governing them while we are creating this trade. We have already spent \$330,000,000 in attempting to subdue these islands, and our Army there is now costing us not less than \$75,000,000

a year. It will be necessary for us to maintain an Army there of from 20,000 to 30,000 soldiers for an indefinite period of time.

In view of the statements of the military officers in the islands I think I can safely make this statement. Many of the provinces are said to have been pacified, but everybody knows that they are pacified only in the sense that they have been subjugated. Withdraw the Army and there will be widespread insurrection throughout the islands in less than a week. If we are to control them we must keep a large army there for at least a generation to come. We can not hope to reduce the cost of our naval and military establishments there below thirty or forty million dollars a year. Counting the millions we have spent there up to this time as lost, the annual profits on our trade, even under best conditions, will not in generations equal our annual expenditures.

In order to earn an annual profit equal to our expenditures in maintaining our control of the country, we must create a trade at least ten times that which those islands have ever had, even should we control the whole of it instead of only a fraction of it. When will we accomplish that? Perhaps the answer can, in part, be found in Spain's experiences with these islands. Did Spain find them profitable? Of what advantage have they been to her in the past, and what possible hope of advantage do they promise us in the future? Considered in this connection, a distinction is to be noted between colonial dependencies, where people are enlightened—like the colonies of Great Britain, in Canada and Australia—and foreign possessions, where the inhabitants are less intelligent and less advanced in civilization.

Australia exported to the United Kingdom in 1899 \$355,000,000 and imported from the United Kingdom over \$300,000,000 of goods. But the original inhabitants of Australia contributed nothing to this trade. It was created by European colonists carrying into a virgin region their enterprise and intelligence.

The 10,000,000 people who inhabit the Philippines never brought to Spain any trade commensurate with the expense of governing them, and merely by substituting our flag for that of Spain we can not alter the conditions inherent in their situation and convert those people into a thriving, busy, productive community. The leopard's spots do not thus change.

In a speech delivered by my colleague in this Chamber on February 22, in this year, in his efforts to show that the Philippines have already become an important market for the products of the South, especially the products of the cotton mills of that section, and that their purchases of Southern products during the past fiscal year give promise of great extension in our trade there in the near future, he said:

For the first time since the American occupation of the Philippines the United States in the month of May last headed the list of nations sending merchandise to the Philippines. The exports into Manila during the month of May were valued at \$2,460,431. While I have not had an opportunity to examine the report with the view of ascertaining the character of the exports which we sent to that country, I am satisfied that a majority of the items represent Southern products.

Manifestly, the statement made in this speech to the effect that the United States exported to Manila during May, 1901, products valued at \$2,460,431 is a clerical mistake, for our total exports to the islands for the eleven months ending May 30, 1901, including gold and silver, were only \$2,752,045. But, Mr. President, we did export to Manila during the month of May, 1901, products to the value of \$560,432, and it is true that that was more than any other nation exported to that country during that month.

Great Britain was the next largest exporter in that month, the amount exported by her being \$451,471. But the exports of Great Britain to the Philippines during the eleven months ending with May, 1901, more than doubled ours. Our exports to the Philippines for the month of May were evidently abnormal, and are accounted for by the needs at that time of our Army, as one of the items—more than one-third of the whole amount—was \$178,000 of gold coin.

If my colleague had examined the abstracts of exports for the month following, he would have seen that our exports to the islands during the month of May did not sustain his argument, and that the proportions to which they attained in that month were abnormal, for our exports for the month of June only amounted to \$282,610, being less than one-half of those for the month of May, while those of Great Britain increased.

If he had followed up the abstract of our exports for May, he would have found that no considerable part of them came from the South. He would also have found that in that month the United States only exported to the Philippines \$6,107 worth of raw cotton, not as much as some farmers in North Carolina annually produce. He would have found that the whole United States exported there during that month only \$8,918 worth of manufactures of cotton, not enough to keep many of the small cotton factories in North Carolina running a month.

He would also have found that the whole United States exported to these islands during the eleven months ending May 30, 1901, only \$27,000 worth of raw cotton and \$93,147 worth of the manufactures of cotton, and he would have found that a large part of

our exports to these islands, both for May and the fiscal year 1901, consisted of liquors, beer—an American, and not a Philippine beverage.

When the fact that during this time we had quartered in Manila an army of over 50,000 American soldiers, spending something like \$5,000,000 per month, is considered and that the entire amount of American cotton goods exported was less than \$100,000, it really seems astonishing that anyone could conclude that the amount of our exports during this period furnished evidence of a gratifying growth of trade between the South or between this country and the Philippines. For myself, I find in it anything except cause of satisfaction.

My colleague, in another part of his speech which I have just read, comments upon the importance to our Southern cotton manufacturers of the markets of China, and attributes the growth in our trade with this country to Republican policies. In other parts of this speech he lays stress upon the effect of our ownership of the Philippines upon this trade. My colleague, in the conclusions he draws in this behalf, deceives himself. This argument is frequently heard in the South, where it is addressed especially to the cotton manufacturers.

They are told that the extension of our territory in the acquisition of the Philippines has unlocked the ports of China to us and given us that ancient Empire as a market for our cotton manufactures. These statements are misleading. The Chinese-Japanese war, though it resulted in her defeat, was in many respects a blessing to China. It was a great object lesson to her; it paved the way for the introduction of Western ideas and methods and appliances; it led to the construction of railroads and factories, and these in their turn have made China something more of a foreign trader and purchaser of foreign goods.

The Boxer movement was in some degree a protest of the more conservative element against this innovation. The result has been a great increase in her trade with the outside world, and the United States has come in for a share of this increase. Not a full share, but a share. The Spanish war has had nothing to do with the development and growth in this trade. It began long before that war and its increase is the result of changed conditions in China, and neither its origin nor development has been influenced by that war.

In 1895 we exported to China \$3,603,840 worth of merchandise; in 1896 we exported there \$6,921,933; in 1897, \$11,924,433; in 1899, \$14,493,440, and in 1900, \$15,258,748. The ratio of increase before the Spanish war was, therefore, greater than it has been since. The same is true with reference to our trade with Japan. In 1895 our exports to Japan were \$4,634,717; in 1896, \$7,689,685; in 1897, \$13,255,478; in 1898, \$20,385,544; in 1899, \$17,264,680; in 1900, \$29,087,642.

The Spanish war certainly does not account for our increased trade with Japan, nor yet with Europe; and yet the growth of our exports to these countries is much more remarkable than its growth in China. Our exports to Europe in 1896 were \$773,000,000 in round numbers; in 1897, \$813,000,000; in 1898, \$973,000,000, and in 1900, \$1,040,000,000. These facts, this remarkable development of our trade with Europe, show that territorial expansion is not necessary for extensive trade relations.

I rejoice at any growth in the trade of our manufactured cotton goods. Considering the vast quantity of our cotton productions, our exports in this branch of American industry is surprisingly small. It is to be hoped that our trade in cotton cloth will grow and expand not only in China, but elsewhere. It will grow and expand there and elsewhere with improved transportation and when our mill owners have learned to prepare their products to suit the taste and fancy of their oriental customers. But its growth can not be made to depend upon territorial expansion.

The agricultural possibilities of these islands are, I have no doubt, capable of great development. The lands are generally fertile. Some of their valleys are annually inundated and, as in the case of the Nile, these floods leave a rich deposit. Even the lands not thus enriched do not for many years after being cleared require artificial fertilization. They are adapted to the growth of tobacco, rice, sugar, and, I have reason to believe, to the growth of cotton.

These are all staple crops of the South. It is true the archipelago does not now raise enough rice to supply the home demand, but before Spain began its policy of discouraging this crop in the interest of tobacco, in which the Government had up to 1892 a monopoly, the Philippines exported a considerable quantity of rice. They now export considerable quantities of sugar. Hon. SAMUEL M. ROBERTSON, of Louisiana, member of the Ways and Means Committee of the House, speaking of the sugar production of these islands, said, in a speech delivered in the House of Representatives December 17, 1901:

In 1833, in addition to the amount of sugar consumed in the Philippine Islands, they exported 523,000,000 pounds. There are no statistics as to the amount of sugar consumed, but it may be estimated that a large quantity of it was used to supply the demands of the people in the islands. From these figures it can easily be seen that under the most adverse circumstances sur-

rounding the production of sugar—with crude instruments and the crudest machinery—the Philippine Islands produced more sugar in that year than was produced by the Hawaiian Islands in 1899 under free trade with the United States and most improved machinery and appliances.

Think, then, of the wonderful possibilities of production there even under unfavorable circumstances. In 1900 there was exported into this country for consumption 4,618,086,530 pounds of sugar. The domestic production was 500,046,450 pounds, from cane and beet, making the total consumed in the United States in 1900 4,518,132,980 pounds. These figures are taken from the Statistical Abstract, 23d number, 1900.

Again, Mr. President, even under the present unfavorable conditions the islands are exporters of tobacco.

I can not say with confidence to what extent cotton would be grown in the archipelago, but I am satisfied that all the natural conditions for its successful culture exist there. A reliable young gentleman of my State, a graduate of the university of the State, who spent two years in the Philippines in the army, who was born and reared in one of the largest cotton-growing counties in the State, a cotton expert, and who has recently, I have been told, been appointed to a position as cotton expert in the Philippines, in a conversation a few weeks ago expressed to me the unqualified opinion that the undulating and hill lands of the whole island of Luzon were especially adapted to the growth of cotton. For many years long staple cotton has been successfully grown in the island of Ilocos, and there are some small factories in this island.

Mr. Foreman, in his work on the Philippines, on page 361, says:

The cotton tree (*Gossypium herbaceum*) is found growing in an uncultivated state in many islands of the archipelago. Long staple cotton was formerly extensively cultivated in the province of Ilocos Norte, whence many years ago large quantities of good cotton stuffs were exported. This industry still exists. The cultivation of this staple was, however, discouraged by the local governors in order to urge the planting of tobacco for the government supplies. It has since become difficult to revive the cotton production, although an essay, in pamphlet form (for which a prize was awarded in Madrid), was gratuitously distributed over the colony in 1888 with that object. Nevertheless, cotton spinning and weaving is still carried on on a reduced scale in the Ilocos provinces (Luzon, west coast).

Wild cotton is practically useless for spinning, as the staple is extremely short, but perhaps by hybridization and careful attention its culture might become valuable to the colony.

The pod is elliptical and the cotton which bursts from it at maturity is snow-white. It is used for stuffing pillows and mattresses.

It is a common thing to see (wild) cotton trees planted along the high road to serve as telegraph posts. By the time the seed is fully ripe every leaf has fallen, and nothing but the bursting pods remain hanging to the branches.

Now, Mr. President, wherever the cotton tree grows indigenously it may be safely assumed long-staple cotton can be grown. I have no doubt this great Southern product can be grown not only in Ilocos, but in many other parts of the islands. Whatever crops can be grown in these islands can be grown abundantly and cheaply.

The fact that these islands are not to-day exporting sugar, rice, and tobacco in quantities sufficiently large to affect the price of these articles in the markets of the world is due to the conditions of agriculture there, to meager clearings, to inefficient labor, to the crudity of the tools and machinery used, and to the political disturbances and disorders which have for years prevailed there.

Under our occupation most of these adverse conditions may disappear. Again, if we retain the islands, whether we retain them as dependencies or as domestic territory, the tariff barriers, which have in a measure closed our markets to these products, will be, if not removed, at least greatly relaxed, and the effect upon production will be the same there as it has been in the Hawaiian Islands.

"In less than ten years," says Mr. ROBERTSON in the speech from which I have quoted, "after the adoption of the reciprocity treaties with these islands (Hawaiian) the amount of sugar imported into this country from them had increased 1,300 per cent." The Government reports show that in 1875, the year before the treaty, the Hawaiian Islands imported to this country only 25,000,000 pounds of sugar, valued at \$1,216,000 in round numbers. In 1899 they imported to this country 545,370,537 pounds, valued at \$21,898,000.

If the effect of American thrift and enterprise and the relaxation of tariff restrictions shall have the same effect in stimulating the production and exportation of the staple agricultural crops of the Philippines as it has had on the growth and exportation of sugar in the Hawaiian Islands, will not the producers of rice, sugar, and tobacco, and perhaps cotton, in this country find in these islands a dangerous competitor? Our sugar and tobacco planters are alarmed over competition of Cuban sugar and tobacco, and are vigorously protesting against the proposition of a 20 per cent cut on the duty of sugar from this island. The Philippines are many times larger than Cuba, and can produce sugar and tobacco cheaper than Cuba can produce them.

These staple products can not only be raised in abundance in the Philippines, but they will be raised more cheaply than they can be raised in America, not only because of cheaper manual labor, but cheaper beast. Mr. Foreman, in his valuable work on the Philippines, from which I have before quoted, tells us that the native laborer of the Philippines can live in luxury upon 20 cents a day. In America farm labor costs from 50 to 75 cents a day. The farm animal of the Philippines is the water buffalo. He



costs never more than \$30, and generally only from \$15 to \$20, while the farm mule and farm horse in this country costs from \$100 to \$200.

It is said that the islands can never be developed with Philippine labor because it is lazy and thriftless. Perhaps that is true. It certainly is true unless, under the stimulus of American thrift and the influence of an opportunity to labor for better wages, the Filipino shall become a more effective farm hand. But that these islands will be agriculturally developed if we retain them, I have no doubt. If not developed by the employment of native labor, then with what sort of labor?

Certainly we can not develop them with Caucasian labor, for the white man can not work under that tropical sun. If we can not develop them with native or Caucasian labor, I ask again with what labor will we develop them? Without hesitation I answer, Chinese labor. Already a considerable proportion of the best population of Luzon is said to be of Chinese extraction. I know it is said by some that we will exclude the Chinaman from the archipelago, as we have excluded him from this country. I do not believe that. That law we have recently passed to that effect will not be permanent.

I know there is a prejudice in this country against the Chinaman as a laborer in our mines and on our railroads and in our factories just as there is a prejudice against the negro laborer in these industries. But I do not believe that prejudices exist against the Chinaman as a farm laborer in this country any more than it does against the negro as a farm laborer.

However that may be, if we keep the islands we may be absolutely certain of one thing—they will be exploited, and by whom? They will be exploited by those great syndicates and land corporations that are already organized and being organized for that purpose, and in whose interest much of the pending bill is manifestly framed. It contains about 100 pages, and at least 60 of them are devoted to devising and putting into statute law a scheme by which the land, and the timber, and the coal, and the oil, and the minerals in those islands may fall into the hands of these corporations and syndicates at a nominal price.

There is one most significant provision in the bill. It is with reference to leasing the land. It says that an individual may acquire 160 acres, but a corporation may acquire as much as 5,000 acres. It is perfectly manifest that the bill was prepared and is to be passed here in the interest of these very syndicates and land grabbers that are now organizing and that stand like hungry wolves upon the border ready to enter and to take these lands and to exploit them.

We asked the committee to tell us what they ultimately proposed with regard to these islands and these people. They decline to answer. But, Mr. President, we are going forward as rapidly as we can to seize and appropriate everything upon the islands that is valuable. It reminds me of the case of a man who has acquired title to a tract of land that may be technically good, like our title to the lands of those islands, but that has no foundation in morals or in justice. When he is asked to surrender his legal title because of its lack of morality he says, "Wait; after a while I will give you an answer," and he proceeds to cut the timber, and to mine the ore and the coal and the oil, and when he has stripped it of timber and ore and oil and everything that is valuable says, "I am ready now to surrender you back your title."

Mr. President, I can not contemplate without some feeling of alarm the prospect of building up in the archipelago this powerful competition, based upon Chinese labor or cheap native labor, to the great staple products of the South. If we retain these islands and develop them, our manufacturers may, in the course of time, find there a market for some of their products; but they will not realize their full expectation even in this regard, for when the American goes there he will carry his machinery with him—his refinery, his looms, and his spindles. He will find much, if not all, of his raw material there, with the possible exception of cotton, and even that may be raised on the ground; but if not, he can get it from near-by India, and with cheap and imitative native or Chinese labor, permanently establish his hold on the oriental markets we expect to gain, and even invade others we now have.

It will be remembered that Japan, whose industries are the wonderful creation of a single generation, is now competing with America in the sale of cotton goods. Japan exported to China and other Asiatic countries in 1899 \$16,551,250 of cotton manufactures, while America exported only \$10,600,000 to these countries in that year.

But, Mr. President, if no factories are established there; if a new Japan shall not arise there to interfere with our trade in cotton goods; if the archipelago shall continue a purely agricultural country and is developed to the fullest and becomes a valuable market for the sale of our manufactures, it will be dearly purchased trade if the farmers of this country find the markets they already have abridged for the sale of their surplus products

or find those markets less profitable by reason of increased supply resulting from Filipino overproduction.

Mr. President, we hear much these days about the increase in our foreign trade and the new markets we have found abroad for our products, especially for our manufactures, for there has been but little increase in our agricultural exports. It is true the growth in recent years of our foreign trade in manufactures has been so phenomenal as to have attracted the attention of the world. But to what are we indebted for these new markets? Through what agency have they been secured? I answer. We got them because we had to have them; because we needed them and sought them with the intelligence and zeal which the American trader always displays under the spur of necessity.

For a long time our industrial expansion had been rapid, but there was a ready market at home for all that our mills and factories could make. No other market was sought, not only because there was a ready customer at hand, but because, by the exclusion of outside competition, he was a more profitable customer than could be found anywhere else. New factories continued to spring up and multiply, until in the course of time home production grew more rapidly than home consumption and finally greatly exceeded it.

In these circumstances, our manufacturers were suddenly confronted with the always troublesome problem of a surplus. The question was what should they do with the surplus, what could they do about it. There were two alternatives. They had either to find outside markets or stop building new factories and curtail the production of those already built. In this exigency the decision was what might have been expected of American pluck, energy, and resource. It was in favor of trade expansion. In pursuance of that decision, other markets were sought. The means necessary to secure them were employed and they were found, as they might have been and would have been found years before if they had been sought with the same degree of intelligence and determination.

That our manufacturers have found themselves in a position to successfully compete in the markets of the world with the manufacturers of other nations is a subject for patriotic rejoicing. I do not myself altogether sympathize with the criticism now current against some of our manufacturers who are selling their products in foreign markets at from 25 to 35 per cent less than they are selling them to our home people, although I condemn their extortion against their home patrons, and I condemn the methods and devices to which they resort for the purposes of stifling home competition.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. Certainly.

Mr. CULBERSON. I should like to ask the Senator in that connection if he does not also believe that the American manufacturers are enabled to sell to foreigners cheaper than to Americans by reason and by virtue of the high protective tariff laws that we have now in force?

Mr. SIMMONS. By reason of those laws, undoubtedly.

I was going to say, Mr. President, they have got to sell their goods cheaper abroad than they are now selling them at home or not sell them at all abroad, because abroad there are no discriminating tariff duties to protect them from competition, while in the home market our tariff permits them, within certain limits, to fix prices. Like every other trader, the American manufacturer wants the best price he can get for his wares, and if he refuses to content himself with reasonable profits and takes advantage of our tariff laws to obtain higher prices here than abroad the blame lies more against our tariff laws than upon the manufacturer.

The fact that these manufacturers are able, after adding transportation, to sell their wares in foreign markets at these lower prices and make reasonable profits—and that their profits in these markets are satisfactory is shown by their eagerness to get and extend them—is a political object lesson of great value. It demonstrates to the point of mathematical certainty that the manufacturers of these articles do not need the protection accorded to them, and that the time is at hand for a revision and reduction of our tariff laws, unless conclusively established injustice and discrimination against the consumers of this country are to be perpetuated as the fixed policy of this Government.

I repeat, Mr. President, the expansion of our foreign trade is due to the enterprise of our manufacturers and traders, and not to the economic or political policies of the Republican party. When the necessity for foreign markets arose they not only went out and sought them, but they adopted the means requisite to the end. They sent representatives to the countries sought to be reached, and they began to make and to fashion and stamp their wares to suit the trade and fancy of those to whom they would sell them.

One great establishment with two branch plants in my own

State has to-day high-salaried representatives in all parts of the world—South America, Europe, China, Japan, Australia, and South Africa. These agents sent out by great manufacturing establishments are international drummers, and are as essential to world trade as our great army of domestic drummers have been found necessary to our interstate trade.

Not only this, but our manufacturers clearly saw, at the beginning of this movement for foreign trade, that regular, direct, and quick ocean transportation was as necessary in foreign trade as railroad transportation has been in the development of our interstate trade, and therefore one of their first undertakings in this new movement was to provide efficient and adequate transportation. The new transportation lines which have been established as a result of this foresight have greatly contributed to the creation and extension of our trade in distant and heretofore inaccessible markets.

Mr. President, in this connection, as illustrating the effect in securing this trade of better ocean transportation, I wish to read from the Review of the World's Commerce, issued by the State Department for the year 1900. It says:

Conspicuous illustrations of the benefit of direct transportation and of the fact that increased trade follows its establishment are found in the recent growth in the export of American products to such unlikely quarters as Turkey and Peru.

Some two years ago our consul-general at Constantinople, Mr. Dickinson, exerted himself to secure the running of a direct line of steamers between the United States and Turkish ports on the Mediterranean. The Barber Line, of New York, decided to make the experiment, and the service, begun in February, 1899, has greatly stimulated the sale of American products in the Levant. Under date of April 14, 1900, Mr. Dickinson states that "since the establishment of the direct line and the consequent reduction in freights, wire nails and a few other articles of American manufacture appear to have taken possession of the Levantine market."

The next step taken by Mr. Dickinson, and one that was made possible by the improved transportation facilities, was the establishment by private capital of an exposition of American goods and agency, which, he says, "is already (November 15, 1900) a success and has outgrown the expectation of those who are conducting the business."

Peru increased her commerce with this country from \$1,538,000 in 1897 to \$3,491,000 in 1899, and during eleven months of 1900 our exports to Peru amounted to nearly \$2,000,000, against something over \$600,000 in 1898. Our consul at Callao, Mr. Dickey, attributes this gain, in part at least, to better transportation facilities offered by two competing steamship lines which for the past three years have kept up a monthly service between New York and the west coast of South America.

The same thing will probably be found to be true of our Pacific coast trade. Enlarged transportation facilities undoubtedly account to a considerable extent for the steady growth of our commerce with Japan.

There are now a number of steamship lines with vessels plying to Japan and China from San Francisco and San Diego, Cal.; Portland, Oreg.; Seattle, Port Townsend, and Tacoma, Wash.

There are now three lines of steamers running from Puget Sound to the Orient—the Northern Pacific steamers, or the Dodwell Line; the Canadian Pacific, or Empress Line, and the Great Northern, or Nippon Yusen Kaisha (Japanese) Line. These three lines include some ten steamers, affording sailings about five times a month. For weeks past all of their available freight space has been engaged long in advance, and a number of tramp steamers have cleared with oriental cargoes.

Mr. President, the absence of regular, direct, and quick ocean transportation has undoubtedly been a great barrier to the development and extension of our foreign trade in Asia, Africa, and South and Central America, but the greatest obstacle which has confronted our manufacturers in their efforts to secure world markets has been and is the tariff wall that we have built around our own country, operating to defeat that fundamental law of trade, to wit, mutuality of trade.

Mutuality is essential to healthy trade. We can not always sell to others and buy only from ourselves. In many instances our protective duties are prohibitory, and as a result we are prevented from purchasing from those who might buy our goods in the outside markets. The effect in some instances is to limit our sales; in others to invite retaliatory duties, making trade almost impossible.

Mr. President, doubtless Cuba would like to buy her goods from us. Not only gratitude but proximity to our markets would seem to suggest close commercial relations between that country and ours; but we are told by the leaders of the Republican party that Cuba can not buy from us unless we will buy from her; unless we let her sell to us at a reasonable profit.

A few years ago our manufacturers, especially in steel and iron, were building up a very good and profitable trade with Russia, but the Secretary of the Treasury rendered a decision against the sugar exports of that country by which higher duties were exacted, and in retaliation she imposed a duty upon our iron and steel which has destroyed that trade.

France is a great purchaser of foreign goods. She ought to be a valuable market for the sale of our products. But she declines to buy from us because of the embargo our tariff places upon the sale of her goods to us. As a result we sold to France last year only \$4,000,000 worth of our manufactures. We can not sell her steel, because, in retaliation against our discriminating laws, she has imposed a duty of \$11 a ton upon our steel rails, so that Germany and England sell steel rails in France at \$11 less than we can. The duty on an American mower in France is \$3.80 more than on English mowers, while an American reaper pays

\$8 more duty than the same machine shipped from England. So that a Frenchman can buy a mower from England for \$3.80 less than from an American and a reaper for \$8 less in England than in this country.

In asserting the proposition that our tariff schedules are an obstacle in the way of the restoration of our merchant marine and the establishment of adequate ocean transportation, as well as in securing the best results in our international trade, I am not advancing a theory or making a partisan declaration. I am but interpreting as to the effect of these prohibitory duties upon our foreign trade the almost dying declaration and warning of the most zealous and ablest advocate of protection this country has known, whose untimely death touched the heart of the world. I am only elaborating what the State Department states in its last annual review of the world's commerce. Let me quote from this valuable document. On page—I find the following:

It would seem to be evident that trade agreements widening the channels of exchange between the United States and other countries must have an important bearing upon the question of building up a merchant marine. One of the great obstacles to the establishment of direct steamship lines from United States ports is the difficulty of obtaining return cargoes. It is a fact of great significance that, wherever better facilities of transportation have been provided, our foreign commerce has immediately grown, even in the face of obstacles that might have seemed insurmountable, and in the absence of other measures for promoting trade.

The only barrier (speaking of the introduction of our goods in foreign markets) to their introduction will be the artificial one of tariff or other discriminating legislation, and this may be either removed or greatly modified by a judicious scheme of reciprocity. If to such agreements, securing favorable treatment of our exports, we add concessions permitting the importation of a larger volume of foreign products, we lay at once the basis for such exchange as may justify the establishment of direct transportation lines.

Mr. President, when we oppose territorial expansion in the far-away islands of the Pacific Ocean, our political adversaries taunt us with the statement that Jefferson, the great founder of the Democratic party, was an expansionist, and that the Democratic party itself, in its early history, was a great practical advocate of expansion. The statement is true and we are proud of it. The Democratic party has added to the territory of the Union nearly one-half of its present domain on this continent, and some of these acquisitions were accomplished against the violent protests of many who questioned the wisdom and patriotism of the Democratic statesmen. But the Democratic leaders were patriotic and did not hesitate to move forward on lines that they knew were right.

The question there was whether, on the one hand, our country should be limited by the Mississippi River, while the vast interior of America should be controlled by European nations and European interests, and dominated by monarchical institutions, or, on the other hand, whether between the Pacific and the Atlantic there should be but one single Union, composed, indeed, of separate States, but equal and sovereign States, owing allegiance to a common flag and entitled to receive and receiving equal rights, protection, and privileges under that flag. The question here is a question of two flags, one emblazoned by a galaxy of stars, representing a Union of equal States and speaking to all the nations of the earth of the surpassing excellence of our institutions, and the other an ensign of imperial sway over 10,000,000 of conquered subjects.

I protest, Mr. President, against quoting the action of the leaders of the Democratic party in securing America for Americans as a precedent for the acquisition of the Philippine Archipelago and the subjugation of the Filipinos to our yoke. The expansion of Jefferson was a natural expansion. It brought safety, not danger. The proposition to extend the limits of our country to another hemisphere and to establish under our flag imperial sovereignty across the ocean is an entirely different proposition, and one behind which lurks dangers against which the whole history of Republican institutions, present and past, is a solemn warning.

Mr. LODGE. Mr. President, unless some other Senator desires to continue the debate on the bill this afternoon, I shall ask that it be temporarily laid aside, as the Senator from Iowa [Mr. ALLISON] desires to begin the consideration of what is known as the sundry civil appropriation bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the pending bill may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask at this time that the Senate may proceed to the consideration of House bill No. 13123, known as the sundry civil appropriation bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first formal reading of the bill be dispensed with, and that, as the reading



progresses, the committee amendments may be considered as they are reached.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the first formal reading of the bill be dispensed with, and that it shall be read for amendment, the committee amendments first to receive consideration. Is there objection? The Chair hears none.

Mr. PETTUS. I hope it will be understood, Mr. President, that all of the amendments will be open to amendment as in Committee of the Whole hereafter, if any should be needed.

Mr. ALLISON. They will be subject to amendment as we progress with the bill. If any Senator has any special matter to which he wishes to call the attention of the Senate, he can submit an amendment to an amendment of the committee.

Mr. PETTUS. I do not quite understand whether the amendments are to be finally acted upon, as in Committee of the Whole, as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The amendments will all be open to amendment when the bill shall have been reported to the Senate.

Mr. PETTUS. Yes, I understand that; but it will be more difficult to secure an amendment in the Senate than it will be in Committee of the Whole. That was the question I asked when the adoption of the committee amendments was asked for.

The PRESIDENT pro tempore. Every amendment proposed by the Committee on Appropriations, as in Committee of the Whole, is open to amendment at the time it is before the Senate for consideration.

Mr. PETTUS. I understand that, Mr. President; but it has been usual, when a request such as that made by the Senator from Iowa has been made, that amendments shall be acted on when reached in the reading of the bill, that they shall be subject to amendment, as in Committee of the Whole, after they have been adopted, as in Committee of the Whole.

Mr. ALLISON. I should not, of course, object to any proper amendment that might be offered to any committee amendment. Later I am sure the Senator from Alabama will be satisfied with the progress we make with the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 12, to insert:

For post-office at Buffalo, N. Y.: For completion of granite entrance to mailing room on Oak street, and approaches, and providing nonconducting pipe coverings for mechanical and steam-heating plant, \$35,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 23, to insert:

For court-house and post-office at Covington, Ky.: For installation of elevator and for changes incidental thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

For custom-house at Detroit, Mich.: For installation of elevator and for changes incidental thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert:

For court-house and post-office at Lynchburg, Va.: For installation of elevator and for changes incidental thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 6, to insert:

For post-office at New Brighton, Pa.: For grading grounds and completing approaches, \$5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

For court-house and post-office at Pensacola, Fla.: For installation of elevator and for changes incidental thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert:

For custom-house at Wilmington, N. C.: For installation of elevator and for changes incidental thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the word

"buildings," to strike out:  
For books of reference, technical periodicals and journals, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, \$4,000;

And insert:

For books of reference, technical periodicals and journals, photographic instruments, chemicals, plates, and photographic materials of like nature for use of the Office of the Supervising Architect of the Treasury Department, \$4,000; and hereafter the purchase of specially prepared paper for the duplication of plans, and such other incidental expenses and supplies as the Secretary of the Treasury may deem necessary and specially order for the use of the Office of the Supervising Architect, exclusively for the purpose of carrying into effect the various appropriations for public buildings, shall be paid for from and equitably charged against such appropriations, in accordance with existing practice.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to insert:

For marine hospital at New York, N. Y.: For purchase of present site and buildings, or purchase of a new site and erection of marine-hospital buildings thereon, \$250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 8, after the word "Stations," to insert:

For quarantine station, Portland, Me.: For purchase of site, \$20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "dollars," to insert: "for equipment, \$20,000; in all, \$23,600;" so as to make the clause read:

For quarantine station, Miami, Fla.: For the purchase of the property of the State of Florida, in accordance with agreement between Treasury Department and the State of Florida, dated July 16, 1901, \$3,600; for equipment, \$20,000; in all, \$23,600.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

For quarantine station, Columbia River, Oregon: For additions and improvements to the Columbia River quarantine station, near Astoria, Oreg., including the purchase of additional land, \$20,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

Ram Island Ledge, Portland Harbor, Maine: For constructing a light-house and fog signal on Ram Island Ledge at the entrance to Portland Harbor, \$83,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light-house and fog signal at a total cost of \$106,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 17, to insert:

Boon Island light station, Maine: For construction of a keeper's dwelling, \$3,400.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to insert:

Stonington Breakwater light station, Connecticut: For construction of a keeper's dwelling, \$6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to insert:

Tender for light-house service in Porto Rican waters: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection, and also for construction and repair service, and for freight light-house supplies and materials from the mainland to Porto Rico, \$125,000, said amount to be made immediately available; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for this tender, such draftsmen to be paid from the appropriation for building this vessel; such employment to cease and determine on or before the date when the plans for this vessel being finished, proposals for building this vessel are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

Cape Lookout Shoals light vessel, North Carolina: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with a steam fog signal, \$90,000; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for said vessel; such draftsmen to be paid from the foregoing appropriation; such employment to cease and determine on or before the date when the plans for such vessel being finished, proposals for building said vessel are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 16, after line 24, to insert:

Bodie Island light station, North Carolina: For the construction of a keeper's dwelling, \$7,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to insert:

Sapelo light station, Georgia: For the construction of a combined light tower and keeper's dwelling, \$40,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

Calumet Pierhead, Lake Michigan, Illinois: For the construction of a keeper's dwelling, \$7,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to insert:

Depot for the Ninth light-house district, Wisconsin: For establishing a light-house depot for the Ninth light-house district at Milwaukee, Wis., \$50,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Peshtigo Reef light vessel, Wisconsin: For establishing a light vessel with a fog signal at or near Peshtigo Reef, Green Bay, Lake Michigan, Wisconsin, \$15,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

Crisps Point light and fog-signal station, Michigan: For the establishment of a light and fog-signal station on or near Crisps Point, Lake Superior, Michigan, \$18,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

Grosse Isle South Channel range light station, Michigan: For building a dwelling for the light keeper at Grosse Isle South Channel range light station, Detroit River, Michigan, \$5,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to insert:

Grassy Island range light station (Ecorse), Michigan: For building a dwelling for the keeper of Grassy Island range (Ecorse), Michigan, \$5,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

Tender for St. Marys River, Michigan: For construction of a steam tender for use in St. Marys River and adjacent waters, Michigan, \$75,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

Point au Pelee Passage light-ship: For constructing a modern steel auxiliary steamship with a fog signal, to be established on Southeast Shoal, Point au Pelee Passage, Lake Erie, \$45,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain a light-ship on Southeast Shoal, Point au Pelee Passage, Lake Erie, \$4,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to insert:

Fort Winfield Scott fog signal, California: To establish on Fort Winfield Scott, Fort Point, California, a fog signal, \$7,000.

The amendment was agreed to.

Mr. PLATT of Connecticut. With the permission of the Senator from Iowa who has the appropriation bill in charge, I should be very glad to present a conference report.

Mr. ALLISON. I yield for that purpose.

#### CHINESE EXCLUSION.

Mr. PLATT of Connecticut submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said Senate amendment insert the following:

That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September 13, 1888, be, and the same are hereby, reenacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers not citizens of the United States from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any island within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

SEC. 2. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December 8, 1894, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

"SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such persons or persons.

"SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year."

And the Senate agree to the same.

O. H. PLATT,  
WM. P. DILLINGHAM,  
A. S. CLAY,

Managers on the part of the Senate.

R. R. HITT,  
J. B. PERKINS,  
CHAMP CLARK,

Managers on the part of the House.

Mr. TELLER. It is utterly impossible for anybody, from the reading of the report and not having the bill before him, to know what changes have been made in the bill as it went from the Senate to the House. Either we ought to have from somebody on the conference committee a full and careful statement of what has been done, or the bill ought to be printed and go over. I sug-

gest that the Senator from Connecticut, perhaps, might make such an explanation. What we would like to know particularly is what changes have been made by the conference.

Mr. PLATT of Connecticut. I am perfectly willing to make an explanation. The House conferees objected to so much of the amendment of the Senate as continued in force existing laws, in the language of the Senate amendment:

Until the 7th day of December, 1904, and so long as the treaty between China and the United States, concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894.

They insisted that such laws should be continued without limitation as to time. In lieu of the language of the Senate amendment, it is now provided by the conference report that such laws "are hereby reenacted, extended, and continued, so far as the same are not inconsistent with treaty obligations, until otherwise provided by law."

Mr. TELLER. That is, until we change them, they will continue in force?

Mr. PLATT of Connecticut. "Until otherwise provided by law." That was the principal matter of difference, the most serious item of difference, to say the least, between the House and Senate conferees. We have consented to eliminate from our amendment the language which continued the laws in force until the expiration of the treaty, on the 7th day of December, 1904.

Agreeing to that, section 2 of the Senate amendment was no longer necessary.

Mr. TELLER. What was it?

Mr. PLATT of Connecticut. It provided—

That in case said treaty be terminated as provided in article 6 thereof, this act and the acts hereby extended and continued shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

Mr. TELLER. That you strike out?

Mr. PLATT of Connecticut. That is eliminated because we now continue the laws in force until otherwise provided by law.

Mr. TELLER. That seems to be proper.

Mr. PLATT of Connecticut. There was some question as to whether reenacting the Geary law, as it is called, by title was sufficient. We thought it was.

Mr. TELLER. That is the act of 1888?

Mr. PLATT of Connecticut. Yes; the law of 1888. We thought it was, but yielded to a request on the part of the House to specify the sections which they wished to have reenacted. So we say "including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the act entitled 'An act,' etc."

Mr. TELLER. Then you do not reenact all of that law. You leave out some sections, do you not?

Mr. PLATT of Connecticut. We reenact only those sections which are specified.

Mr. TELLER. What are the sections which are left out?

Mr. PLATT of Connecticut. The sections left out are those which depended upon the ratification of the treaty which had been negotiated but was not ratified.

Mr. FORAKER. I should like to ask the Senator from Connecticut if the language of the report and of the bill as now amended by the conferees does not continue in force the whole of the act of September 13, 1888, including the sections specified?

Mr. PLATT of Connecticut. It says "All laws now in force."

Mr. FORAKER. Yes.

Mr. PLATT of Connecticut. But particularly they wished us to specify that it should include the sections named.

Mr. TELLER. I should like to say that there were certain sections which the Department in the administration of the law claimed were legally enacted and some which they claimed were not. I understand now that all of the sections that the Department has been enforcing are to be reenacted.

Mr. PLATT of Connecticut. Certainly. The language at first, "all laws now in force," is broad enough to cover the entire statute, in the opinion of the Senate conferees. We yielded to the request of the House conferees that these sections in particular should be named. Section 2, as I have said, goes out. Section 3—

Mr. TELLER. What is that?

Mr. PLATT of Connecticut. Section 3 is in the language of the Senate bill and refers to Chinese who are brought here to participate in fairs.

Mr. TELLER. There is no objection to that.

Mr. PLATT of Connecticut. Section 4 is a substitute for sections 5 and 6 of the Senate amendment which related to obtaining certificates in the Philippine Islands.

Mr. TELLER. That is the Mitchell amendment?

Mr. PLATT of Connecticut. The Mitchell amendment.

Mr. TELLER. What have you done with it?

Mr. PLATT of Connecticut. We substitute for it section 4 in



this report, and I will read it. We did so at the request of the House conferees. They gave us the language, and we accepted it:

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory, and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Mr. MITCHELL. Mr. President—

Mr. PLATT of Connecticut. If the Senator will permit me one moment longer, the House conferees said—

Mr. MITCHELL. I simply wanted to ask a question; that is all.

Mr. PLATT of Connecticut. In just a moment. The House conferees said that the provision of the Senate bill relating to registration in the Philippine Islands was impracticable; that it would require the sending of a great army of agents from here out there to superintend the registration, and that it was much better to leave it in the hands of the Philippine Commission to enforce it. Now I will hear the Senator from Oregon.

Mr. MITCHELL. I wanted to ask if the effect of this amendment is to take control from out of the hands of the Treasury Department and place it under the Philippine government?

Mr. PLATT of Connecticut. Yes; and it directs them to enforce it.

Mr. TELLER. I wish to ask the Senator from Connecticut in this connection whether under this bill the Philippine Commission will have the power to admit Chinese into the Philippine Archipelago?

Mr. PLATT of Connecticut. They will not.

We retain the language of the Senate amendment:

And said laws shall also apply to the island territory under the jurisdiction of the United States.

That is, the exclusion laws.

Mr. TELLER. Then the Senator thinks that the Commission would not have the authority to open the door to the admission of Chinese laborers?

Mr. PLATT of Connecticut. That is my understanding of it.

Mr. CLAY. I will ask the Senator from Connecticut if it is not true that the amendment which has reference to the power of the Philippine Commission simply allows the Philippine Commission to regulate the mode of ascertaining the number of Chinamen in the Philippine Islands?

Mr. PLATT of Connecticut. That is all. That is all the force or object of the amendment.

Mr. CLAY. As to registration.

Mr. TELLER. I do not know that I see any objection to that.

Mr. LODGE. The Chinese are absolutely excluded under section 2, I understand.

Mr. PLATT of Connecticut. Under section 1, as it will be here.

Mr. LODGE. They are absolutely excluded.

Mr. TELLER. Those of us who have not had an opportunity of seeing this text are a little at sea as to what has been left in the bill. I do not see any particular objection, on the statement made, to the amendment.

Mr. PLATT of Connecticut. I desire to say that the conference has been in some respects a strenuous one, and I believe this agreement is entirely satisfactory to the conferees on the part of the House, as I hope it will be to the House.

Mr. PETTUS. I desire to ask the Senator in charge of the bill what provision was made as to the time when the act is to terminate? I happened to be out for a few moments.

Mr. PLATT of Connecticut. It is to remain in force until otherwise provided by law.

Mr. PATTERSON. I should like to ask the Senator from Connecticut upon whom devolves the duty of enforcing the exclusion provisions in the Philippine Islands?

Mr. PLATT of Connecticut. The Philippine Commission.

Mr. PATTERSON. Then the Philippine Commission not only has the duty devolved upon it of attending to registration, but it must appoint all officials to enforce the regulation provision.

Mr. PLATT of Connecticut. Yes; as I understand it.

Mr. PATTERSON. I am very sorry that has been adopted.

Mr. LODGE. That is the way it left the Senate.

Mr. PATTERSON. I would much prefer if we had devolved it upon the Secretary of the Treasury.

Mr. PLATT of Connecticut. The House conferees said that might require the sending of 500 agents from the United States into the Philippine Archipelago to superintend this matter of obtaining certificates. I suppose that is an exaggerated statement, but it can be well seen that it might involve the sending of a

great many agents from the United States to the Philippine Islands to carry out the registration provided for.

Mr. PATTERSON. If the Pacific coast Representatives are satisfied I am.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 19, after line 24, to insert:

Southampton Shoal light and fog-signal station, California: For establishing a light and fog signal on the southeast end of Southampton Shoal, San Francisco Bay, California, \$30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Oakland light-house and fog-signal station, California: For constructing a light-house and fog signal at the entrance of Oakland Harbor, California, \$19,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

Mile Rocks light and fog-signal station, California: For constructing a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California, \$100,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

Yaquina Head light station, Oregon: For the construction of a keeper's dwelling at Yaquina Head, Oregon, light station, \$4,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

Browns Point light-house and fog signal, Washington: For completing light-house and fog signal at Browns Point, State of Washington, \$3,200.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Battery Point fog signal, Washington: For the construction of a fog signal at Battery Point, Puget Sound, opposite the city of Seattle, State of Washington, \$6,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to insert:

Robinson Point light station, Washington: For constructing an additional keeper's dwelling, \$4,000.

The amendment was agreed to.

Mr. ALLISON. I desire to have it understood that these separate paragraphs which have been passed upon shall appear in the RECORD as distinct amendments so that there can be no mistake.

The PRESIDENT pro tempore. They were acted upon in that way.

Mr. ALLISON. I inferred as much by the way they were read by the clerks at the desk, but I wanted it to be understood by the reporters as well.

The PRESIDENT pro tempore. Each paragraph was declared agreed to by the Chair.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead of "Light-House Establishment," on page 25, after line 21, to strike out:

Hereafter it shall be the duty of the Secretary of the Treasury to submit annually in the estimates of appropriations for the Light-House Establishment specific estimates of amounts required for pay of officers and crews of light-house tenders, and of amounts required for pay of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 30, after line 11, to insert:

For the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter for service at the port of Philadelphia, \$50,000.

The amendment was agreed to.

The next amendment was, under the head of "Engraving and printing," on page 30, line 19, to increase the appropriation for labor and expenses of engraving and printing at the Bureau of Engraving and Printing from \$900,000 to \$968,386.

The amendment was agreed to.

The next amendment was, on page 31, line 18, to increase the appropriation for wages of plate printers at piece rates, to be fixed by the Secretary of the Treasury, etc., from \$900,000 to \$1,000,000.

The amendment was agreed to.

The next amendment was, on page 31, line 21, to increase the appropriation for engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, from \$350,000 to \$450,000.

The amendment was agreed to.

The reading of the bill was continued to page 35, line 8.

Mr. ALLISON. In line 1, after the word "including," I move

to insert the words "the preparation or purchase of preliminary plans and specifications of vessels and;" so as to read:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of preliminary plans and specifications of vessels and the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, and for the expenses of the attendance of the American delegate at the meetings of the International Geodetic Association, not to exceed \$550, \$4,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the subhead "Under the Smithsonian Institution," on page 41, line 5, to increase the appropriation for expenses of the system of international exchanges between the United States and foreign countries under the direction of that Institution, etc., from \$24,000 to \$26,000.

The amendment was agreed to.

The next amendment was, on page 41, line 23, under the subhead "National Museum," to increase the appropriation for cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, etc., from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 42, line 7, to increase the appropriation for continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, etc., in the National Museum, from \$180,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

For the preparation, under the direction of the Secretary of the Smithsonian Institution, of preliminary plans for an additional fireproof building, to cost not exceeding \$2,500,000, for the United States National Museum, to be erected, when appropriated for, on the Mall between Ninth and Twelfth streets west, including the expense of collecting necessary data, said plans when completed to be transmitted by the Secretary of the Smithsonian Institution to Congress at its next regular session, \$5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "for," to strike out "eighty" and insert:

One hundred and ten thousand dollars, of which amount not more than \$20,000 shall be expended for the construction of a boundary fence, including entrance gates.

So as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees; the purchase of necessary books and periodicals, the printing and publishing of operations, not exceeding 1,500 copies, and general incidental expenses not otherwise provided for, \$110,000, of which amount not more than \$20,000 shall be expended for the construction of a boundary fence, including entrance gates, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. ALLISON. In line 19, after the word "gates," I move to strike out the remainder of that line and all of lines 20 and 21, in the following words:

One half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 43, after line 21, to insert:

For the construction of an elephant house, with bathing pools and other accessories, including labor and materials and all necessary incidental expenses, \$10,000.

Mr. ALLISON. In line 24, at the bottom of page 43, I move to change the period to a semicolon and to insert:

One half of which sums for the National Zoological Park shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Fish Commission," on page 48, line 18, after the word "dollars," to insert "foreman, \$900;" and in line 18, after the word "thousand," to insert "nine hundred;" so as to make the clause read:

San Marcos (Tex.) Station: Superintendent, \$1,500; foreman, \$900; fish-culturist, \$300; three laborers, at \$540 each; in all, \$4,920.

Mr. ALLISON. I move to amend the amendment, in line 16, by striking out "nine hundred" and inserting "one thousand," and to correct the total by adding to it \$100; so as to make the amount \$5,020.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of the appropriations for the Fish Commission, on line 7, page 54.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 29, 1902, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 28, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, April 26, 1902, was read and approved.

### BUSINESS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I understand it is desirable to the Committee on Agriculture to go ahead with its bill to-day. In view of this fact, as well as the further fact that the chairman of the Committee on the District of Columbia, who introduced and reported the only important measure that that Committee would have for consideration to-day, is absent on account of sickness, I ask unanimous consent that Monday next be set aside for the consideration of District business instead of this day.

The SPEAKER. The gentleman from Maryland [Mr. MUDD], from the Committee on the District of Columbia, asks unanimous consent that one week from to-day be set apart for the business of that committee. Is there objection?

There was no objection.

### NAVAL APPROPRIATION BILL.

Mr. FOSS, from the Committee on Naval Affairs, reported the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENS of Minnesota, for ten days, on account of important business.

To Mr. APLIN, for fifteen days, on account of important business.

### AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. WADSWORTH, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, with Mr. HULL in the chair.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should like to inquire how much of the three hours apportioned to the minority is left?

The CHAIRMAN. The minority has one hour and thirteen minutes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desired to yield ten minutes of that time to the gentleman from Tennessee [Mr. GAINES], and I had promised to yield fifty minutes of that time to the gentleman from Illinois [Mr. FEELY]. I do not see either of these gentlemen in the Hall of the House. I will ask the gentleman from New York [Mr. WADSWORTH] if it is possible for him to yield some of his time to some gentlemen on that side?

Mr. WADSWORTH. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CURTIS].

The CHAIRMAN. How much time?

Mr. WADSWORTH. The gentleman from Kansas can take the floor in his own right.

Mr. CURTIS. Mr. Chairman, I had not intended to take up the time of the committee on this bill, and I want to say at the outset that I shall say nothing about the bill; but so much has been said recently in criticism of a gallant Kansas officer that I feel justified in occupying the attention of this committee for a few minutes.

Mr. Chairman, if the criticisms had been limited to remarks made by General Funston, I should not say a word upon this floor, because I believe the people of this country have a right to criticize any speech by any man; but I do say that the critics have gone too far when they attack the record of that gallant officer. At the outset I desire to say that the people of Kansas are proud of the brave, the daring Gen. Fred Funston. [Applause.] I want to say further that he is criticised because he performed an act which, for daring conception and execution, capped the pyramid of honors won by our men at arms. He is also criticised by the gentlemen on the other side of this Chamber because he captured their George Washington—Aguinaldo.

What did he do in addition to capturing Aguinaldo? He took the Twentieth Kansas, a regiment which had been ridiculed and cartooned from ocean to ocean and from the Gulf to the Lakes,



and under his management and the management of its other officers the Twentieth Kansas became the best regiment that served during the war with Spain. It was the Twentieth Kansas that set the pace for the regiments of the other States in the Philippine Islands. And I want to say to the gentlemen on the other side of this House that had some of the statesmen who are criticising him to-day accomplished what General Funston accomplished they would be the Democratic candidates for President of the United States at this time. [Applause.]

Mr. HENRY C. SMITH. They would not be elected.

Mr. CURTIS. No; they would not be. It is claimed he violated the rules of honorable warfare. Who recommended his promotion for the daring act he performed? General Wheaton. Who is General Wheaton? A man who served gallantly in the war from 1861 to 1865; a man who knows more about war and the rules of war than all the politicians in this country. Who else recommended his promotion? General MacArthur, who has been in the service of the United States since 1861. Who signed his commission? The greatest beloved President we have had, the soldier-statesman, the martyred McKinley. Would these generals have recommended his promotion, would President McKinley have promoted him, had he been guilty of violating the rules of honorable warfare?

The only trouble with the gentlemen who criticise him is this: He accomplished what they and their friends were unable to accomplish. He did what they could not do. He was promoted, and justly, for this service. The people of Kansas are proud of him; and I believe if you get down to the truth 90 per cent of the people of this country are proud of General Funston and are proud of what he did for this country in the Philippine Islands.

Out in our State we are proud of the Army and the Navy. We are proud of the fact that one squadron of our Navy carried our flag of liberty, of civilization, to islands nestling in beauty but ruled by tyranny, and we say all honor to Admiral Dewey for the splendid victory he won on May 1, 1898. We are very proud of the fact that another squadron of our Navy, on the 3d day of July, 1898, sent the pride of the Spanish main to the bottom of the sea. It may have been a captains' victory, but, out in our country, the people say all honor to the man second in command, who was there doing duty, all honor to Admiral Schley. [Applause.]

Now, I have simply made these few remarks this morning that the members of this House may know, so far as Kansas is concerned, we do not indorse what the critics say of General Funston. One of his critics has said that General Funston reminded him of the slaughter Samson made, and that he had won a great battle with the jawbone of an ass. I am reminded of a story they tell of a distinguished gentleman while a member of this House. When he first came here as a member of Congress, like other members of Congress, he was invited to address a congregation in the vicinity. He was to address it on Sunday, and as he arrived a little early, they invited him to talk to the boys. He thought he would ask some questions, and one of the conundrums he put to the boys was this: "What weapon was it that Samson used when he slew the Philistines?" None of the boys could answer; so he said: "Boys, don't you know?" None answered. At last he put his hand up to his jawbone, and, rubbing it, asked: "Boys, what is this?" One bright little fellow promptly responded, "The jawbone of an ass." [Laughter and applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield forty minutes to the gentleman from Illinois.

Mr. FEELY. Mr. Chairman, I know that in the matter that I now propose to discuss I may incur the criticism and the good-natured bantering of such members as the gentleman from Michigan [Mr. HENRY C. SMITH], who last Friday criticised members on this side of the House for talking about things that are not, to his mind, of particular importance to the House. But I will say to him that if it had not been for the good-natured and discriminating charity of the members of this side of the House such members as he would in the last two or three weeks have had a very undesirable sort of "water cure" administered to them.

I desire to refer for a moment to the interpretation of the treaty of Washington made last week by the gentleman from Massachusetts [Mr. GILLET]. I have read and reread with respect, with a desire for knowledge, and with a desire to form a judicial opinion if possible on the matters which he therein discussed. After devoting considerable time to the proposition alleged by him to have been advanced by members on this side, that it was unlawful for citizens of this country to sell arms and munitions of war for the use of a belligerent, which proposition nobody on this side has to my knowledge seriously advanced or contended for, the gentleman proceeds to say:

To correctly interpret the treaty, it is necessary to consider its history and attendant circumstances. And I challenge any man to study the history of that rule—

Referring to rule 2, article 6, of the treaty of Washington—and the correspondence about it between the two Governments who framed it without being convinced that the rule applies only to supplying vessels carrying on war and not to any other sale of military supplies.

I would say to the gentleman that I have carefully examined the correspondence alluded to by him. I have gone outside of the domain of published correspondence, where I am constrained to believe he went for his data, and I am one of those who accept his challenge and contend for a different interpretation of the treaty than that which he set forth in his remarks last Wednesday.

The gentleman from Massachusetts quoted a telegram from General Schenck to the Secretary of State, Mr. Fish, dated June 9, 1871, as follows:

LONDON, June 9, 1871.

FISH, Secretary of State, Washington:

It seems probable that to remove serious objection to ratification of treaty here some declaration should be made limiting interpretation of second rule, sixth article, so as not to restrict sales of arms or other military supplies in ordinary course of commerce. Will the President authorize such expression of views and purpose in bringing rules to knowledge of other maritime powers and asking assent to them? De Grey in difficulty because no understanding on this point expressed.

SCHENCK.

Then the gentleman proceeds: "To this our Secretary of State cabled the following answer:"

DEPARTMENT OF STATE, Washington, June 10, 1871.

SCHENCK, Minister, London:

The President understands and insists that the second rule of Article VI does not prevent the open sale of arms or other military supplies, in the ordinary course of commerce, as they were sold in this country during the late French-German war, and as they were sold to this Government in England during the rebellion, and as we understand them to have been sold also in England during the late French-German war.

In bringing the rules to the knowledge of other powers, and in asking their assent, this Government will express this view, and will insist that such is the proper interpretation and meaning. It will be well that the two Governments agree upon the same terms of expression in presenting the rules to other powers.

You are authorized to read this dispatch to Lords Granville and De Grey.

FISH, Secretary.

The gentleman then proceeds to quote from the debate in the British House of Parliament, where Sir Roundell Palmer put the question direct to Mr. Gladstone, if the interpretation of the latter part of rule 2, article 6, was to be limited to a prohibition to furnish supplies to naval vessels, and then he quotes as direct an answer in the affirmative by Mr. Gladstone, plainly showing what the interpretation of that rule was on the part of the British foreign office and the whole British governmental authority.

He then states that the two Governments, through their departments of state, began negotiations as to the draft of a joint note to be submitted to the maritime powers, explaining our and their interpretation of that rule and requesting the accession thereto of those maritime powers, and he states that the following draft was prepared by the British foreign office and submitted to us for approval before sending it to other maritime powers. That note is as follows:

As some question has been raised as to the true import of the second rule, that rule is understood by Her Majesty's Government (and, as the Government of — will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war or intended to cruise or carry on war against another belligerent and not when military supplies or arms are exported for the use of a belligerent power from a neutral port or waters in the ordinary course of commerce. And it is in order to prevent any future misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of — and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon the second rule, and under which they invite and desire to accept the accession of the Government of —, as they will that of all other maritime powers.

The gentleman from Massachusetts then goes on to say:

The United States Government agreed to all of the declaration material to the issue we are now considering, so that it stands as the interpretation of rule 2 by the two parties to it. There arose, however, some differences—all petty—as to the wording of the declaration, which occasioned a long correspondence and some friction, and meanwhile it appeared probable that the rules would not be accepted by the other great powers, so that after long and spasmodic correspondence the submission of the agreement to other powers was dropped.

There, Mr. Chairman, is the admission of the gentleman from Massachusetts—who relies on that interpretation as having been made by the British office and having been accepted by our Department of State—in that paragraph that when it came to the draft of the rule of interpretation for submission to other powers there were disagreements constantly creeping up between this Government and the British foreign office, which disagreements he brushes away with a wave of his hand, with the statement that they were all petty.

Now, Mr. Chairman, I have examined the foreign relations as published, together with the correspondence published and unpublished, respecting this proposed identic note which was proposed for submission to the maritime powers for assent by them,

and I confess that I must admire the gentleman's caution when he incorporated into the sentence which I have a few moments ago quoted the phrase "all of the declaration material to the issue we are now considering." He therefore admits that the United States Government disagreed to a part of the declaration. But he assumes to regard as immaterial a point which Hamilton Fish, who was our Secretary of State at the time of the controversy, and whose name is enrolled with the most brilliant and distinguished of American diplomatists and statesmen, regarded as material—so much so, in fact, that he was willing to suspend correspondence with the British foreign office unless his contention should be accepted. His contention was that the word "exported" should be omitted from the proposed identic note where it occurs in the gentleman's quotation, after the phrase "when military supplies or arms are" and before the phrase "for the use of a belligerent."

Now, what was the reason for the insistence by Secretary Fish upon the omission of the word "export?" Fortunately, this is not clouded by doubt or any lack of authentic information. Examining the records of the State Department, I find that Mr. Fish expressed himself in clear and positive terms on this subject, and that he was supported therein by the United States Senate, which he intimates went even further than he did in disapproving of this note of interpretation. I have here a copy of a letter which he addressed to General Schenck, our representative in London, which is recorded in the State Department as No. 44, Fish to Schenck, and which I will read as part of my remarks. It is as follows:

DEPARTMENT OF STATE, Washington, August 11, 1871.

SIR: \* \* \* I inclose also the draft of a note proposed to be addressed to the maritime powers bringing to their notice the rules laid down in Article VI of the treaty.

This draft was submitted to me by Sir Edward Thornton, under instructions, as he informed me, of his Government.

In the margin are the amendments and alterations proposed on behalf of this Government.

These alterations are understood to have been all agreed to by the British Government except that they proposed the substitution of the word "either" for "another" in the sentence originally proposed in these words: "For the renewal or augmentation of military supplies or arms [to a belligerent] only when [those acts are done] such supplies or arms are [for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against [another] either \* belligerent," etc.

And of our proposed alteration substituting the words "the open sale of arms or other military supplies in the ordinary course of commerce" for the language used in the British draft they propose the words "sale or export" in place of the words "open sale."

To the former of these exceptions (that substituting "either" for "another") we immediately assented; to the latter (proposing to substitute "sale or export" for "open sale") we were unable to agree.

The language proposed by us is precisely that of the telegram sent to you from this Department on 10th June last, in compliance with the request of the British minister as communicated in your telegram of 9th June last.

We prefer, therefore, to adhere to that language.

The word "export" introduced in the counter suggestion of Sir Edward Thornton might imply and admit much more than either Government desires. It might be claimed to authorize the direct exportation of arms, etc., to a belligerent from the ports and in the vessels of the neutral.

While this Government holds that a neutral can not be deprived of the right of manufacturing and selling within its own jurisdiction arms and munitions of war by reason of the existence of a state of war between two other powers, it holds, as the President announced in his proclamation of 22d August, 1870 (of which a copy accompanies this), that neutral vessels can not carry such articles upon the high seas for the service of either belligerent without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

It may be a question whether the introduction of the word "export," as proposed, would not relax the sound rule of law thus laid down by the President, and might not be claimed to sanction the employment of neutral vessels in the transportation on the high seas of arms and munitions of war for the service of a belligerent.

Another reason why the words proposed by the British Government can not be admitted in a note to be addressed by this Government to the maritime powers in construction of the latter part of the second of the rules is that a proposition thus to construe that part of the second rule is understood to have been made in the Senate pending the debate on the treaty and not to have met the approval of that body.

Of course I can not speak with certainty of what occurred in the confidential discussion of the Senate, but rumor seems to be sufficiently positive in this particular to indicate the impropriety and the inexpediency of this Department adopting the language which the Senate refused as a construction or explanation of any part of the treaty.

It is desirable that the two Governments submit the rules to the maritime powers in the same spirit and with the same interpretation.

As the negotiations on this point were introduced here by Sir Edward Thornton, we shall endeavor to reach a conclusion with Mr. Pakenham, in the absence of Sir Edward Thornton, and this explanation is given for your information, and that, if practicable, in informal and unofficial conversation you may be able to maintain the position of this Government on the interpretations of the claim in question and assist in inducing the British Government to accept the language of the telegram of June 10.

I am, etc.,

HAMILTON FISH.

Here, Mr. Chairman, is the cap of the climax:

Another reason why the words proposed by the British Government can not be admitted in a note to be addressed by this Government to the maritime powers in construction of the latter part of the rule—

Mark you—

is that it is understood to have been considered by the Senate, pending the debate on the treaty, and not to have received the approval of that body. Of course I can not speak with certainty of what occurred in the confidential

\* Words in brackets to be omitted, and those in *italics* to be inserted.

discussion of the Senate, but the rumor seems to me to be sufficiently positive in this particular to indicate the impropriety and inexpediency of this Department adopting the language which the Senate refused as a construction or explanation of any part of the treaty. It is desirable that the two Governments submit the rule to the maritime powers in the same spirit and same interpretation.

Mr. Chairman, in all the long correspondence which ensued respecting this subject, extending over seven years, before the matter was dropped, Mr. Fish never once relaxed his contention as to this matter, and this fact resulted in a failure of the proposition to submit identic notes by the two Governments to the maritime powers. It was plain to all the maritime powers would not accede to the interpretation.

As evidence that our Government took a firm stand on this question and regarded the declarations of the treaty as nugatory, as far as international law was concerned, without accession thereto by the maritime powers, I quote the following letter of Mr. Fish to Sir Edward Thornton:

DEPARTMENT OF STATE,  
Washington, May 8, 1876.

SIR: \* \* \* There remains, however, another provision of the treaty as yet entirely unperformed. By the sixth article, three rules were agreed upon as binding on a neutral government and applicable to the questions submitted to the arbitrators at Geneva, and in addition the two Governments agreed to observe these rules as between themselves in future, as well as to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

Although the agreement of the high contracting parties to observe these rules as between themselves, and to bring them to the knowledge of the other maritime powers, and to invite them to accede to them is contained in one paragraph, these obligations unitedly forming parts of a single engagement, absolute in its character and coming into operation immediately, no effective steps have been taken in that direction. Whatever delay has necessarily occurred as to other articles there appears to be no reason for delay in reference to that portion of Article VI to which I have referred.

In informing you, therefore, of the readiness of the Government of the United States to proceed with the nomination of a third commissioner, I have to request that you will inform your Government that the United States desires that the requisite steps be taken at the same time, that the three rules laid down in Article VI of the treaty of Washington may be brought to the knowledge of the other maritime powers, and that the invitation provided for may be extended to them to accede thereto. In so doing the two Governments will be enabled at the same time to dispose of the two questions under the treaty of Washington which are still outstanding.

I have the honor, etc.,

HAMILTON FISH.

Now, Mr. Chairman, nobody on this side of the House desires any radicalism in the treatment of this question. So far as I know there is no sentiment of hereditary enmity or ancient opposition connected with the discussion of this question. Those who are believed to have given some credence to the reports of the alleged violation of the neutrality laws in Louisiana and the contributions thereto by other parts of this country only desire that the light be thrown on this question—only desire to interpret the laws of this land in a judicial manner—in a manner that will stand the search light of the legal luminaries of the world. We desire to put no interpretation on that treaty that is not warranted by an intelligent reading of the English language and a clear understanding of the duties of neutrals under the law of nations. And we submit to you that whatever secret correspondence was had with respect to an interpretation of this rule between the two Governments, laying aside the reported refusal of the other governments to accede thereto, there was not even enough of assent between the two Governments to give any such interpretation of the rule as the gentleman from Massachusetts contended for.

He himself admits that the rule needs interpretation if his view is to be sustained. If it does not actually mean that the ports and waters of this Government can not be used for the augmentation of military supplies for any belligerent power, he knew that to successfully contend for his interpretation of the rule it was necessary to go off the face of the treaty. If there was ambiguity there he considered that ambiguity to be latent; and I believe he went out of the domain of published correspondence. I believe he went into the secret archives of the Government, or of that part, anyhow, which has not been published, for his information; and everyone has the right to go there to find the interpretation of the officials of the Government at that time.

When we go there what do we find? We find that the British foreign office placed a restricted interpretation on the second rule of the sixth article of that treaty. We find that the Secretary of State of the United States was willing to limit to a certain extent the interpretation of that rule, but not to the extent the British foreign office desired; but we find that in the American system of statesmanship the Secretary of State desired to be governed in his deliberations on matters of this kind by a reference to the Senate of the United States. And we find that after referring to the Senate the language of that proposed note to the maritime powers, the Senate refused to place upon it the interpretation which the British foreign office desired.

That, Mr. Chairman, disposes of the petty (?) differences suggested by the gentleman from Massachusetts. Pray, what would be considered important if these are petty? If there was any



doubt as to the real meaning of that treaty—if it was necessary to dig down underneath and examine the records of the State Department for a clear insight into what was meant in the treaty—it is plain there was no agreement to limit the meaning of the words of the treaty of Washington.

Mr. GILLET of Massachusetts. Will the gentleman allow me a question?

Mr. FEELY. In a moment. The last part of rule 2 contains these words:

To suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, for the purpose of renewal or augmentation of military supplies or arms or for the recruitment of men.

That question is as open to-day, so far as any light has been thrown on it in the discussion in this House, as it ever was. And the prohibition can not be said to be limited wholly to naval operations.

I now yield to the gentleman from Massachusetts.

Mr. GILLET of Massachusetts. I have just come into the Hall of the House and consequently have heard but a small part of the gentleman's remarks. I want to ask him whether he does not admit that the interpretation of a treaty between two powers is decided absolutely if the two powers afterwards agree as to what it meant?

Mr. FEELY. Not when the rights of other powers are involved. And I submit to the gentleman that no two of the great powers can enter into any treaty which would foreclose or limit the right, such as neutrality, of other nations without the assent of other nations thereto. If the gentleman from Massachusetts has any other doctrine of international law to submit I would be glad if he would exhibit it now.

Mr. GILLET of Massachusetts. I quite agree with the gentleman on that point. What I mean to ask is whether two nations joining in a treaty can not be limited by their own agreement as to the meaning of that treaty as between themselves.

Mr. FEELY. I submit that no nation or no two nations have a monopoly in the matter of declaring what the rights of neutrals are; and no two countries can decide what those rights are and set up their interpretation as against the right of other powers, and furthermore the facts do not disclose any such agreement between Great Britain and the United States.

Now, Mr. Chairman, every time anyone submits here any remarks of sympathy for the struggling burghers in the South African Republic, somebody sneers, somebody laughs, somebody wants to proceed to the regular order of business or to talk about a post-office somewhere, or good roads somewhere else. I am not going into any extended oration declaring my sympathy for the struggling burghers in South Africa to-day. The time for the raising of a voice of sympathy for them has passed in this House and in the Senate of the United States. In the early days of the war there were here (as Daniel Webster was here at the time of the struggles of the Greeks with the Turks) men who raised their voices for liberty, who raised their voices for the upholding of republican forms of government, and for the existence of republican systems everywhere.

Resolutions of sympathy were drafted. The same words that Henry Clay used when here were sent to the Committee on Foreign Affairs of this House, and to the Committee on Foreign Relations of the Senate, but we were too busy at that time civilizing and "benevolently assimilating" to pay any attention to the struggling burghers in South Africa, or any people on earth struggling for liberty and for democratic forms of government. I say that the time has passed for sympathy. Webster raised his voice for the struggling Greek, and Clay raised his voice for them also, and they did not fear then that the simple expression of sympathy would involve them in a trouble with foreign powers. On the 20th of January, 1824, Clay said, in speaking to a resolution in the House expressing sympathy for the struggling Greeks:

Has there, then, been no pillow reflections on such a subject? Is it now that we are for the first time to sleep upon it? The proposition is before us. It asks us to speak a cheering word to the Greeks. Gentlemen have to say yes or no. That monosyllable was all that was asked of them. Let them say distinctly whether they would give so much encouragement as this to a nation of oppressed and struggling patriots in arms, or whether they would shut themselves up in a cold, shivering, contracted, but mistaken policy, which must in the end react upon ourselves. If in a proposition so simple, so plain, so harmless, so free from all real danger as this we were to shut our hearts from the influence of every generous every manly feeling let gentlemen say so at once.

What says Daniel Webster at such a time as this? On January 19, 1824, in the House of Representatives, Mr. Webster said, speaking on his resolution to make provision for defraying the expenses of an agent or commissioner to Greece:

The attitude of the United States, meanwhile, is solemn and impressive. Ours is now the great Republic of the earth; its free institutions are matured by the experiment of a half a century. Yes, as a free Government it goes farther back—the benefits of a free Constitution have virtually been enjoyed here for two centuries. As a free Government, as the freest Government,

its growth and strength compel it, willing or unwilling, to stand forth to the contemplation of the world. We can not obscure ourselves if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world. Now, it will not be denied that within the last ten years there has been agitated in the world a question of vast moment, a question pregnant with consequences favorable or unfavorable to the prevalence—nay, to the very existence—of civil liberty. It is a question which comes home to us. It calls on us for the expression of our opinion of the great question now before us.

Even as late as March 24 the following resolution was introduced by the gentleman from Texas [Mr. RANDELL], and every member on this side is ready to vote for it if opportunity is offered:

Joint resolution (H. J. Res. 170) expressing sympathy for the two South African Republics and urging cessation of hostilities.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That the Congress of the United States hereby expresses the sympathy of the people of the United States for the people of the South African Republic and the Orange Free State in their heroic struggle to maintain their liberty and independence.

SEC. 2. That the Congress appeals to the British Government in the interest of humanity to accept overtures for peace, cease hostilities, and endeavor to bring about a just and honorable settlement of existing differences between the British Government and the two South African Republics, to the end that peace may be established.

SEC. 3. That the United States should, and will, fairly and honorably maintain a position of strict neutrality in this contest between nations friendly to us, and that the Administration should see to it that the neutrality laws are rigorously and impartially enforced.

But we were too interested in other concerns; we were too interested in administering the water cure of civilization to people of other climes to pay any attention to the question of republican forms of governments on earth, and so nothing was said. Gentlemen, the time has passed when the people of South Africa desire any sympathy from us.

#### ENFORCEMENT OF NEUTRALITY ALL THAT IS DESIRED.

All they desire of us, and all the people of this country in whose veins run blood in which courses the warmth of the love of liberty, ask of the House and of the Senate and of the Government at this time is that our arms, like the arms of justice, shall be always uplifted in token that neutrality shall be preserved in all its spirit and in all its letter. I am not personally acquainted with the conditions existing in Louisiana. I have only to take what you take, the report from the newspapers and from officials who have investigated there. But I believe there exists a base of supplies for the British Government, which ought to be investigated and which, I understand, has been officially investigated, although the report of the investigation has not as yet been submitted to us.

I hope that that submission will be made to us, that we shall see whether we have been as a nation derelict in our duty under the international code, whether we have allowed any great nation, no matter whether she claims to be our cousin, no matter whether she claims to be the mother of all our civilization, of all that we have to be thankful for in this country, whether we have allowed to have extended from this country and this people help for a great nation on one side, as against no help, not even sympathy, for a weak little nation on the other side. The South African republics, whether successful or unsuccessful, will take their places in history, and historians will allot to them, whether we do or not, the place of a nation that was brave and true to its ideals; that took up a sword in a holy and a just war; that contended against the right of another nation claiming a sort of domain over them, or suzerainty over them, to enter into their internal affairs for the simple reason that the material welfare of gentlemen interested in a mining company was at stake.

No one, I say, can read the history as written by the English themselves of the inception of this war without feeling a sympathy for the Boers on account of the manner in which they were dragged into this war, and no one can read the history of that war without being convinced of the brutality and ferocity with which it was carried on by those whose desire it was to exploit the gold mines of South Africa. No one can read the history of how those poor people, driven from one place to another, hunting for pasturage for their cattle, settled down in peace and in quiet after the campaign of 1881 and the convention of 1884 in the belief that hereafter they would be undisturbed in working out their own salvation and in governing themselves, then happening to find themselves the center of a great mining horde coming in upon them, to upset their institutions and to drive them from their own fastnesses, first, by the power of the bullet, which failed, and second, by the power of the ballot, which until to-day has failed, has absolutely failed—no one can read that history without feeling in his heart a sympathy for these unfortunate people.

Gentlemen, I desire not to bring anything into the record here of a sensational character, for gallery-playing statesmanship has no part in the category of my ideals, but I look upon this plainly as any American citizen looks upon it, with a desire to see that justice is done and that our Government keeps its position in the

honorable place where it ever has been kept. In answer to the remarks of some who deem this a subject irrelevant I desire to quote the language of the Hon. James Brice himself as to the cause of this war.

It being admitted that the war was an unjust one, that the attitude of the British Government in attempting to stamp out and eradicate this Republic is an unjust attitude, then I say, that fact being admitted, any man who holds a commission from any constituency in this country has a right to raise his voice in so far as it can be effective in setting forth the position that he believes that our country ought to occupy when a kingdom is waging an unjust war against a republic. If we say in private that republican forms of government are the best and that we desire to see them succeed, who can accuse us of an unfriendly act if we say that in public, and if the Government says it?

Says the Hon. James Bryce, M. P., whose impartiality is everywhere admitted:

Under the convention of 1884, which fixed the relations of Britain and the South African Republic, the latter had the most complete control of its internal affairs, and Britain possessed no more general right of interfering with those affairs than with the affairs of Belgium or Portugal. The suzerainty which has been claimed for her, if it existed (for its existence under the convention of 1884 is disputed), related solely to the power of making treaties, and did not touch any domestic matter. When, therefore, the British Government was appealed to by the Uitlander-British subjects who lived in the Transvaal to secure a redress of their grievances, her title to address the Boer Government and demand redress depended primarily upon the terms of the convention of 1884, any violation of which she was entitled to complain of; and, secondly, upon the general right which every State possesses to interpose on behalf of its subjects when they are being ill treated in any foreign country. Under these circumstances it might have been expected that the questions which would have arisen before Britain went to war for the sake of her subjects living in the Transvaal would be these two:

First. Were the grievances of her subjects so serious, was the behavior of the Transvaal Government, when asked for redress, so defiant or so evasive as to contribute a proper casus belli?

Secondly. Assuming that the grievances (which were real, but in my opinion not so serious as has been frequently alleged) and the behavior of the Transvaal did amount to a casus belli, was it wise for Britain, considering the state of feeling in South Africa, and the mischief to be expected from causing permanent disaffection among the Dutch population; and considering also the high probability that the existing system of government in the Transvaal would soon, through the action of natural causes, break down and disappear—was it wise for her to declare and prosecute war at this particular moment?

Strange to say, neither of these two questions ever in fact arose. That which caused the war was the discussion of another matter altogether, which was admittedly not a grievance for the redress of which Britain had any right to interfere, and which, therefore, could not possibly amount to a casus belli. This matter was the length of time which should elapse before the new immigrants into the Transvaal could be admitted to citizenship, a matter which was entirely within the discretion of the Transvaal legislature.

Then he goes on to state the commencement of negotiations, the raising of extra troops by the British Government, and the commencement of hostilities by the Boers.

Now, Mr. Chairman, it is not to criticise this Government; it is, in the first instance, to set forth my views as to the clear and proper interpretation of the treaty of Washington here, and to call attention to my belief that if Port Chalmette is being used as a base of supplies for the furnishing of munitions of war to the British in South Africa some attention ought to be paid to that matter and these operations should be stopped, and the power of this Government be brought to bear in compelling a cessation of them.

Sentiment in this country doubtless is in favor of the struggling Republics of South Africa. Nobody, Mr. Chairman, desires to take advantage of that sentiment for political reasons. Nobody desires to drag into the discussions of this House questions immaterial to ourselves as an American Republic; but we do believe that wherever there are respectable allegations of a violation of neutrality those respectable allegations should be examined into and there should be no further violation of neutrality permitted by our Government. Let us hope that the Republics of South Africa will carry on their own war; that they will succeed, if you please, if it is not high treason to express a wish that they succeed; and if they do not succeed, that while they are endeavoring to succeed the United States Government shall extend no aid to Great Britain in endeavoring to stamp them out and to erase from the map of the earth one more republic. Let us take this question, if the gentleman from Massachusetts [Mr. GILLETT] desires, out of politics. No one desires to criticise any Administration that does its duty. No one will. All anyone wants is fairness and the enforcement of the neutrality laws. [Applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, when I came into the hall a few minutes ago the gentleman from Illinois was criticising some remarks I made the other day on the duty of the United States as a neutral in the present Boer war. I regret that I did not hear the first part of the gentleman's remarks. But I wish to point out one or two erroneous statements which I did hear. The gentleman stated that I quoted, in order to maintain that we were doing our duty and to maintain our interpretation of the treaty, from secret archives of the State Department. What I quoted is in a published Senate document, No. 1, volume

1, of the third session of the Forty-fifth Congress, and a message from the President of the United States. I gave the citation in my printed remarks. So that when the gentleman states I quoted from secret correspondence he was certainly erroneous.

Mr. FEELY. Will the gentleman kindly point out the citation?

Mr. GILLETT of Massachusetts. I will, if the gentleman will send me the copy of the RECORD, or if he will read my remarks he will see himself. It is on page 4836, the third paragraph from the bottom. I confess it strikes me as a little strange that the gentleman should criticise remarks I made when, apparently, he has not even read them, because the citation is clearly given.

Mr. FEELY. Will the gentleman kindly read the page?

Mr. GILLETT of Massachusetts. Four thousand eight hundred and thirty-six, about ten lines from the bottom of the page, in the first column. Now, that citation—

Mr. FEELY. I will say to the gentleman that the citation made was not important and was not regarded as important in this discussion. The citation to which I referred was the letter of Hamilton Fish, which I pointed out as being an important document. I would say to the gentleman, further, that if I did ascribe to him the fact of his having gone to the secret archives of the Government, I will state to him that he was compelled to do so or he would not have found citations which he quoted. And I certainly do not intend to question in any way his right to go there as an individual, the same as anyone else would have done.

Mr. GILLETT of Massachusetts. I did not go to any secret archives, and have not been near the State Department in investigating this subject. I want to say to the gentleman that if he had taken the pains to look up my citation he would have found this whole correspondence, and I cited nothing that was not therein contained.

Mr. FEELY. That does not contain the letter of Hamilton Fish that I had read.

Mr. GILLETT of Massachusetts. That is contained in Wharton's Digest of International Law.

Mr. FEELY. This letter which I read in connection with my remarks?

Mr. GILLETT of Massachusetts. I do not know what letter you read.

Mr. FEELY. I am informed by the officials of the State Department that it was never published. Part of the letter was published as Document 215, Foreign Relations, but the part of the letter which bears on this question was not published, but was expressly omitted.

Mr. GILLETT of Massachusetts. I did not cite anything that was never published, and the letter from Mr. Fish which I cited was published in Wharton's Digest. I do not think it is consistent in the gentleman to criticise me for citing from the secret archives when it appears that the gentleman has been doing that himself. I did not quote anything not printed in an official document or in the Digest of International Law.

Mr. FEELY. I did not mean that in any sense of criticism, but I was looking up especially that matter, upon which we may possibly learn much more later on.

Mr. GILLETT of Massachusetts. I do not criticise the gentleman for looking up the secret archives, and if he did not mean to criticise me I am contented; but he cited it as a fact, and what he cites as a fact was an error. If the gentleman in reading my remarks had looked up the citation I gave, he would have discovered everything which I referred to. Now, Mr. Chairman, the gentleman contends that our right as a neutral was not defined by the interpretation which the two Governments agreed to of rule 2 of the treaty of Washington. There again I think the gentleman is quite wrong in his view of international law. The United States and Great Britain agreed upon the meaning of this rule 2, which says that neutrals shall not allow belligerents to augment supplies or use their ports as naval bases.

That was in the treaty of Washington, between the United States and Great Britain. Consequently the only nations that were bound by that statement were the United States and Great Britain. No other nation in the world was bound by it. We said that for the purpose of the Alabama claims we will recognize that rule, and we will also call the attention of other European nations to it; will put an interpretation on it and try to get them to ultimately adopt the same rule for the future.

Mr. FEELY. I would like to ask the gentleman from Massachusetts this: He has stated other nations are not bound by the interpretations which we and the English Government placed upon that rule. Admitting that we did, for the sake of argument, are other nations limited to that construction?

Mr. GILLETT of Massachusetts. Why, of course they are not limited at all by that rule. It is not a rule of international law; it is a rule of the treaty between the United States and Great Britain.



Mr. FEELY. But then, Mr. Chairman, the interpretation placed upon that rule by the British Government can not be considered a part of international law.

Mr. GILLET of Massachusetts. Certainly not, Mr. Chairman. The interpretation put upon it by Great Britain and the United States only interpreted that rule of the treaty and made that rule between those two nations a part of the law, and that only. I say that nobody can contend here that the rule can have a different meaning, inasmuch as the United States and Great Britain, the only two parties to the treaty, afterwards stated exactly what they meant by it, both nations taking pains to say that they did not mean that it should be interpreted in the way in which the gentleman is now contending that it should be and gentlemen on that side have before contended, but these two nations have explicitly stated what was the meaning of the rule, and they went on to reduce to writing their understanding, in order when it came to the consideration of other nations their meaning should be clear.

Any other nation can accept that rule or not. Up to date no nation has been willing to accept it, and therefore it is simply a rule between the United States and Great Britain. Those two powers have interpreted the treaty, and it only means what they have interpreted it to mean.

Mr. FEELY. I would like to ask the gentleman how far a power like Germany would be bound by that interpretation?

Mr. GILLET of Massachusetts. Not at all; Germany does not recognize the rule.

Mr. FEELY. How can the gentleman rely upon that interpretation as a part of the international law when he says that no other government would be bound or limited by it?

Mr. GILLET of Massachusetts. The gentleman from Illinois either does not or will not understand me. I stated explicitly that I did not claim it was a part of the international law; it is simply a treaty between the United States and Great Britain. These two powers have made a treaty, and have interpreted it, and have put in writing what they mean by it. When Great Britain adopted it and asked us what we meant by it, and we stated that we meant what we now claim, and she agreed to that meaning, after that neither of these powers can claim anything else. If any other nation should adopt it, they can interpret it as they please.

Mr. FOSTER of Illinois. Mr. Chairman, will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. GILLET of Massachusetts. Certainly.

Mr. FOSTER of Illinois. I would like to ask the gentleman if this war was between Germany and England instead of between England and the South African Republic, and this country was allowing its ports to be used as a source of military supplies, supplying horses and mules to Germany, would the gentleman then put the interpretation on the treaty that he now does?

Mr. GILLET of Massachusetts. Of course I would; certainly I would. That is the only interpretation that either the United States or England ever have a right to put on this treaty, the interpretation that we put upon it at the time, and which both nations have said that it meant. After that we are both bound by it and can not put any other interpretation upon it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I now yield two minutes to the gentleman from Illinois [Mr. FEELY].

Mr. FEELY. Mr. Chairman, I desire to state that the gentleman from Massachusetts relies on an interpretation of the rule of the treaty of Washington that is only a declaration of what national neutrality is.

Mr. GILLET of Massachusetts. That is where the gentleman is mistaken.

Mr. FEELY. One moment; if I am mistaken the gentleman from Massachusetts will have time to criticize my remarks. We are discussing the laws of neutrality, and he relies upon the declaration of the law of neutrality insisted upon by Great Britain, refused to be acceded to by the United States Senate and by the Secretary of State, and one which he admits that the maritime powers of the world would scoff at and pay no attention to.

Mr. WILLIAMS of Mississippi. I will now yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, the House river and harbor bill appropriated \$175,000 for the completion of lock and dam at Harpeth Shoals, known as Lock A, and \$5,000 for maintenance. Harpeth Shoals is officially known as Lock A, and is the beginning of what is known as the "Lower Cumberland" improvement. The work on this part of the river is to erect locks and dams, five in number, from A to G, both inclusive.

The "Upper Cumberland" begins at Lock No. 1. This lock is

located 2 miles below Nashville. The House river and harbor bill carried \$105,000 to complete the lock and dam at Lock No. 1.

The Senate has amended this provision by striking out the words "for the completion of Lock and Dam No. 1 and for maintenance, \$105,000," and substituted the words "continuing improvement and for maintenance, \$205,000," which amount is for "improving Cumberland River, Tennessee, above Nashville," as the bill states: that is, for improving the Upper Cumberland, which begins at Lock 1.

It will be observed the Senate has added \$95,000 to the House bill for the "Upper Cumberland."

It is my purpose now to show why Congress should appropriate money to continue the work on both the Lower and Upper Cumberland at the same time. I must be brief, as my time is short, and state tersely the salient facts. The Senate report accompanying the bill as it stands amended in the Senate, at page 343, states:

The masonry of lock walls and abutment Nos. 1, 5, 6, and 7 is completed; Lock No. 2 will require no dam abutment, and the dam abutment of Locks 3 and 4 are still to be provided.

With the completion of the operation now in progress at Locks 1 and 5, the work remaining to be done in order that the seven locks (1 to 7, inclusive) may be made operative is estimated to cost \$308,740.15.

As the bill left the House work is being done on both the Upper and Lower Cumberland, while, as stated, the Senate, seeing the importance of at least continuing the work on Locks 2 to 7, inclusive, has added \$95,000 to the Upper Cumberland appropriation.

Congress has already spent nearly a million and a half dollars on the Upper Cumberland and the work done is doing no one any good. It is a dead investment as it stands, a loss to the people and the Government.

The official report last issued by the War Department, part 3, states that from January 1 to December 31, 1900, in the Upper Cumberland the total tonnage was 289,218 and that, "as far as ascertainable," the "estimated value" of this tonnage was \$8,395,055; passengers carried, 17,906; vessels plying thereon, 31. During the fiscal year 1896 there were only 48,393 on the Upper Cumberland; 1897, 82,675; 1898, 89,776, and that in 1899 it rose to 294,763 tons for the calendar year, and in 1900 (calendar year), 289,218.

The total tonnage by this same report for the lower Cumberland from January 1, 1900, to December 31, 1900, was 407,088; estimated value, \$1,140,616; passengers carried, 11,000. For the entire river, then, we have for the year 1900 a total tonnage of 696,306 tons, with an estimated value of \$13,535,671. This tonnage and its value I am satisfied are incomplete and give less than the total value of this tonnage.

We see the official report states that the value of the upper Cumberland tonnage, "as far as ascertainable," is \$8,395,055. In other words, the tonnage and its value of the Cumberland has not been fully ascertained, and I may add the possibilities of this river as a commercial stream are incalculable, and will be, so rich is the country this river taps, until possibly these locks and dams as planned are completed.

These figures show that this river "is worthy of the attention and fostering care of the Government," and that the Cumberland is not an "insignificant" stream.

The gentleman from Ohio [Mr. BURTON], in his speech on the river and harbor bill, found at page 3091 of the RECORD, recently said:

I think it will be conceded by all that when a waterway has attained a tonnage of over 100,000 tons per annum it is worthy of the attention and fostering care of the Government.

The tonnage, I have shown, aggregates 696,306, exclusive of 28,906 passengers, and I am satisfied if the true tonnage was known the tonnage alone would amount to more than that given in this war report. So, on the question of tonnage, this river deserves "the attention and fostering care of the Government."

Again I read the language of the gentleman from Ohio [Mr. BURTON], as follows:

I think it will be again conceded that when the value of commerce on a waterway exceeds \$1,000,000 per annum it is taken out of the category of streams which are insignificant.

I have shown that the estimated value of the tonnage on this river is \$13,535,671. So that by this official data and the words of the gentleman from Ohio [Mr. BURTON] the Cumberland River can not be placed in the list of "insignificant waterways."

So much in making, from indisputable data, the Cumberland River "a stream worthy of the fostering care of the Government."

If Congress would complete the locks and dams on the Upper Cumberland, where practically only the dams are needed, except as stated, the work could be done in a year or two, great benefit would be derived by the people of Tennessee, Kentucky, Ohio, and Mississippi valleys.

At the same time Congress should appropriate money to continue the work on the Lower Cumberland. This plan the friends of the Cumberland all insist upon, and I am glad to see the Senate has determined to go up and down this river at the same time in improving and has taken a step further than the House in going farther up the river by appropriating \$95,000 additional over and above the House appropriation.

The policy of the House committee seems to have been, and to be, to complete the first lock on the Upper Cumberland, No. 1, and then go on down the river, completing the work lock by lock, A to G, which would take many years the slow way the work has been done by reason of small appropriations.

The work on the Upper Cumberland to Lock 7 could be completed in about two years if money was appropriated for that purpose.

The hidden wealth of the country drained by the Upper Cumberland has never been utilized and will not be until river access to the Cumberland is given by improving it with these locks and dams. Almost mountains of coal, unbroken forests, and immense cornfields in this section are now rendered practically valueless as to the outside world for want of this river improvement. Nashville alone buys millions of agricultural products from Ohio, Indiana, Illinois, and Missouri, when the Cumberland River is navigable, or the rainy season, while there is more or less of such traffic throughout the year in its present condition and low water. The farms of Davidson County are known all over the world for raising the finest of horses and blooded stock, while Montgomery, Robertson, Cheatham, Stewart, Houston, and Dickson counties in Tennessee and many in Kentucky grow millions and millions of tobacco for direct foreign trade.

Why, Mr. Chairman, as a matter of fact, "Nashville is the fourth city in the Union in grinding what is known as winter wheat, the capital so invested ten years ago amounting to \$5,931,137, and the value of the product, 20,797,279 tons"—more, sir, than every other Southern State, including West Virginia, Kentucky, Maryland, including also Oklahoma, New Mexico, and the Indian Territory.

But, Mr. Chairman, it is not my purpose to enter into a comparison of the city of Nashville or the State of Tennessee with sister cities or States. I simply wish to show the great importance of improving this river that starts in the mountains of Kentucky and sweeps through the blue-grass region of Tennessee to its mouth in western Kentucky.

I may add that the mouth of the river has been improved by the Government since Congress has undertaken to improve the Cumberland River.

But let me now bring forward some additional official data which will surprise those who are not conversant with the facts, as they were indeed a surprise to me. I have taken the pains for weeks and weeks, if not months, to search for these statistics. The Cumberland River Improvement Association, composed of patriotic and intelligent Tennesseans, were asked to furnish this data by the chairman of the River and Harbor Committee. But the figures which I now have cover more territory than those the association submitted to the committee some weeks ago. I have here the population, and true and assessed valuation of all property, of 65 counties in Kentucky and Tennessee, located in what is well termed the Cumberland River Valley and drained by the Cumberland River.

The total population for these 65 counties was, in 1900, 1,149,586; in 1890, 991,900.

The true value of the real estate and improvements in these counties in 1890 was \$241,712,846, while the assessed value of the same in 1890 was \$144,048,041.

The assessed value of the personalty in 1890 was \$62,990,593, while the total assessed valuation of this real and personal property in 1890 was \$207,038,634.

This was the true and assessed valuation of this property ten years ago. Of course the value now is much greater. I regret not having these values for the year 1900.

Now, Mr. Chairman, I desire at this point to ask unanimous consent to insert this table in my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print the table to which he refers as part of his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I have had five minutes more yielded to me. Certainly I have not occupied ten minutes.

The CHAIRMAN. The gentleman has occupied eleven minutes.

Mr. GAINES of Tennessee. I had five minutes additional yielded to me by the gentleman from New York [Mr. WADSWORTH].

The CHAIRMAN. Then the gentleman from Tennessee has four minutes left.

The table referred to by Mr. GAINES of Tennessee is as follows:

Population and valuation of real and personal property in counties adjoining counties bordering on or crossed by the Cumberland.  
[From the Eleventh and Twelfth Censuses of the United States.]

County.	Population.		True valuation of real estate and improvements in 1890.	Assessed valuation of real estate and improvements in 1890.	Assessed valuation of personal property in 1890.	Total assessed valuation of real and personal property in 1890.
	1900.	1890.				
Letcher, Ky.....	9,172	6,920	\$1,035,000	\$570,145	\$246,715	\$816,860
Perry, Ky.....	8,276	6,331	1,228,931	889,652	189,353	1,079,005
Leslie, Ky.....	6,753	3,964	641,040	439,628	177,590	617,218
Clay, Ky.....	15,364	12,447	1,820,452	939,342	438,813	1,378,155
Jackson, Ky.....	10,561	8,261	619,000	523,255	261,949	785,204
Rockcastle, Ky.....	12,416	9,841	928,700	588,627	504,719	1,093,346
Lincoln, Ky.....	17,059	15,962	7,190,000	3,685,772	2,200,137	5,885,909
Casey, Ky.....	15,144	11,848	1,591,000	1,067,448	554,672	1,622,120
Adair, Ky.....	14,888	13,721	1,762,729	1,067,337	665,922	1,733,259
Metcalfe, Ky.....	9,988	9,871	1,211,856	792,830	467,165	1,259,995
Barren, Ky.....	23,197	21,490	3,716,257	2,332,605	1,441,202	3,773,807
Allen, Ky.....	14,657	13,692	1,724,726	980,709	585,245	1,555,954
Claiborne, Tenn.....	20,696	15,103	3,150,000	1,380,950	256,249	1,637,199
Campbell, Tenn.....	17,317	13,486	2,065,000	1,324,050	519,968	1,844,018
Scott, Tenn.....	11,077	9,794	1,033,000	762,905	776,171	1,539,076
Pickett, Tenn.....	5,366	4,736	579,362	292,681	9,222	292,003
Overton, Tenn.....	13,353	12,089	1,344,162	665,081	48,484	713,565
Putnam, Tenn.....	16,890	13,683	1,696,000	1,102,400	126,720	1,229,120
Dekalb, Tenn.....	16,480	15,650	2,184,290	1,382,840	125,650	1,508,490
Cannon, Tenn.....	12,121	12,197	2,272,598	1,107,799	106,444	1,214,243
Rutherford, Tenn.....	33,543	35,097	8,270,780	5,767,520	1,762,317	7,529,837
Williamson, Tenn.....	25,420	23,321	7,390,145	4,657,430	1,141,729	5,799,159
Hickman, Tenn.....	16,367	14,493	3,040,007	2,032,725	372,300	2,405,025
Humphreys, Tenn.....	13,368	11,720	2,285,285	1,384,480	548,584	1,933,064
Houston, Tenn.....	6,476	5,390	748,765	532,631	351,406	884,037
Benton, Tenn.....	11,888	11,230	1,533,242	960,635	422,678	1,413,373
Henry, Tenn.....	24,208	21,070	3,392,587	2,454,400	766,900	3,221,400
Calloway, Ky.....	17,693	14,675	1,950,997	1,515,968	1,020,237	2,536,205
Marshall, Ky.....	13,692	11,287	1,423,656	1,038,772	763,173	1,801,945
McCracken, Ky.....	28,733	21,051	11,600,000	5,529,888	1,906,003	7,435,891
Calderwell, Ky.....	14,510	13,186	2,569,947	1,587,203	1,020,216	2,607,419
Christian, Ky.....	37,962	34,118	10,168,000	5,534,212	2,206,791	7,741,003
Todd, Ky.....	17,371	16,814	4,699,757	2,214,222	1,189,817	3,403,539
Robertson, Tenn.....	25,029	20,078	4,817,903	2,675,645	871,106	3,546,751
Macon, Tenn.....	12,881	10,878	1,191,006	900,125	600,000	999,125
Union, Ky.....	21,326	18,229	8,190,645	4,281,033	1,228,222	5,509,255
Webster, Ky.....	20,067	17,196	5,110,000	1,609,685	1,082,009	2,691,694
Simpson, Ky.....	11,624	10,878	3,681,896	1,766,250	1,167,844	2,934,094
Total.....	623,922	544,753	119,780,291	68,053,080	27,583,473	95,636,553

Population and valuation of real and personal property in counties bordering on or crossed by the Cumberland River.  
[From the Eleventh and Twelfth Censuses of the United States.]

County.	Population.		True valuation of real estate and improvements in 1890.	Assessed valuation of real estate and improvements in 1890.	Assessed valuation of personal property in 1890.	Total assessed valuation of real and personal property in 1890.
	1900.	1890.				
Harlan, Ky.....	9,836	6,197	\$1,987,851	\$1,342,496	\$248,732	\$1,591,228
Bell, Ky.....	15,701	10,512	6,163,500	2,906,709	574,721	2,881,430
Knox, Ky.....	17,372	13,702	2,100,000	1,168,611	733,850	1,902,461
Whitley, Ky.....	25,015	17,590	1,910,727	1,581,342	1,677,206	3,258,548
Laurel, Ky.....	17,592	13,747	1,555,981	959,213	999,461	1,958,674
Pulaski, Ky.....	31,293	25,731	3,109,000	2,153,777	1,222,456	3,376,233
Wayne, Ky.....	14,892	12,832	1,753,618	1,163,500	550,672	1,714,172
Russell, Ky.....	9,695	8,136	968,000	619,657	381,388	1,001,045
Clinton, Ky.....	7,871	7,047	886,950	534,688	297,025	831,713
Cumberland, Ky.....	8,962	8,452	1,734,500	800,724	471,709	1,272,500
Monroe, Ky.....	13,053	10,989	1,355,800	846,480	490,410	1,336,890
Clay, Tenn.....	8,421	7,230	1,080,819	717,213	84,539	801,752
Jackson, Tenn.....	15,059	13,325	1,503,862	982,575	60,950	1,042,525
Smith, Tenn.....	19,026	18,404	3,619,000	2,624,241	651,163	3,275,404
Trousdale, Tenn.....	6,004	5,850	1,243,785	805,857	148,001	953,858
Wilson, Tenn.....	27,078	27,148	6,232,710	4,169,230	965,892	5,135,112
Sumner, Tenn.....	26,072	23,668	6,826,566	3,820,753	1,867,508	5,688,261
Davidson, Tenn.....	122,815	108,174	54,950,000	30,430,240	17,441,568	53,871,808
Cheatham, Tenn.....	10,112	8,845	1,569,850	926,550	157,267	1,083,817
Dickson, Tenn.....	18,635	13,645	1,670,255	1,086,170	432,762	1,518,932
Montgomery, Tenn.....	36,017	29,697	10,443,500	5,178,705	1,763,514	6,942,219
Stewart, Tenn.....	15,224	12,193	1,768,184	1,145,456	140,744	1,286,200
Trigg, Ky.....	14,073	13,032	2,092,752	1,628,602	798,113	2,426,715
Lyon, Ky.....	9,319	7,628	1,646,500	800,386	621,803	1,421,689
Crittenden, Ky.....	15,191	13,119	2,069,800	1,529,553	835,118	2,364,671
Livingston, Ky.....	11,354	9,474	1,564,000	1,171,801	676,539	1,848,340
Total.....	525,664	447,147	121,932,555	75,994,961	35,407,120	111,402,081

#### RECAPITULATION.

Counties bordered on or crossed by	Counties adjoining	Total
525,664,447,137	121,932,555	647,596,992,692
623,922,544,753	119,780,291	743,702,835,044
1,149,586,991,900	241,712,846,144,048,041	1,391,300,000,000,000

Mr. GAINES of Tennessee. Mr. Chairman, just a word or two more. I received a day or two ago a very valuable communication—a letter from the secretary of the Ohio Valley



Improvement Association—insisting on the improvement of the Cumberland River. The letter contains also a petition, signed by a great number of river men, who own many boats, and so forth, operating on the Cumberland and Ohio rivers. The letter reads as follows:

PADUCAH, April 17, 1902.

HON. JOHN W. GAINES, Washington, D. C.

DEAR SIR: We notice by the papers that the Cumberland River has been passed by the present Congress almost unnoticed, and that you are making a hard fight to get in good work when the conference of the two Houses meets.

We have hurriedly gotten up the inclosed petition, but find many of our boat owners absent, and can not obtain their signatures in time to go with this.

We enjoy the distinction of having more steamboat and barge tonnage here than any other city in the valley, excepting Pittsburg and Cincinnati, and we greatly feel the need of river improvement on the Cumberland. We trust this may be of some little service to you; would like to have sent it via Nashville, where many others would have signed.

Yours, very truly,

F. M. DOUGHERTY, General Agent.

The petition, Mr. Chairman, is signed by a large number of the leading boatmen who live in the neighborhood of Paducah owning various boat lines.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to insert this petition as a part of my remarks. It speaks of many logs and snags in the river and urges immediate relief.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print the documents to which he refers in the RECORD. Is there objection?

There was no objection.

The petition referred to is as follows:

PADUCAH, KY., April 17, 1902.

To the honorable Senators and Members of Congress of the United States:

Be it petitioned by the business men and boatmen of this immediate vicinity, living and dwelling at the nearest point to the mouth of the Cumberland River, it having come to our knowledge that there is a possibility that the Cumberland River will not share largely in the appropriations of the present Congress:

We desire to set forth in a brief manner the necessity of improvement of that stream. But more especially the lower portion of it, from Nashville, Tenn., to its mouth. There is a great volume of business done on the lower end of the stream that may not be known to the people generally living on the upper end of this stream above Nashville. The packet lines running from Nashville, Tenn., to Evansville, Ind., and from Nashville, Tenn., to Paducah, Ky., do a large business when the stage of water permits navigation. The log and lumber business from that stream is large. But the largest industry is that of railroad ties taken to the North and great Northwest, amounting in the aggregate to many millions per annum.

There is much complaint from the boat owners and their captains and pilots on account of the logs and snags in the channel of the stream, which at a very small cost could be removed, giving a wider channel, to enable the towing steamers with their fleets of barges to pass in safety.

We are glad to be able to commend the work already done on the lower end of the river, and will be pleased to see a continuance of the same.

Z. Baker, manager Ayer & Lord Tie Company steamers *Russell*, *Lord*, *Jim T. Duffy, Jr.*, *Pavonia*, *Inverness*, and *Hosmer*, with fleet of 65 barges; Henry A. Pettu, president Paducah Dry Dock Company; Walter Hoagland, manager Tennessee Towing Company; James Hogan, superintendent St. Louis and Tennessee River Packet Company; J. D. Render, superintendent steamers *I. N. Hook* and *Wilford*; J. T. Bishop, superintendent *J. B. A.* and *Mary N.*; Ed Woolfolk, secretary Paducah Towing Company steamers *Woolfolk*, and *Monte Bauer*; Wm. Rutledge, agent Standard Tie Company; G. F. McCabe, general agent of the Holcomb-Lobb Company steamer *Lyda*.

J. F. Beatty, agent Bradley-Watkins Tie Company; I. H. Fowler, president Evansville, Paducah and Cairo Packet Company; J. L. Kilgore, owner steamer *Maude Kilgore*; John McCaffrey, owner steamer *Ten Broeck*; D. A. Geiser, mayor of Paducah, Ky.; J. W. McKnight, president Paducah Marine Railway; C. E. Bostwick, president Pittsburg Mining Company, on Cumberland River; Jas. Owen, owner Paducah Ferry Company and mining properties on Lower Cumberland River, with 3,000 acres, and shippers of 50,000 to 60,000 bushels corn, chiefly up Cumberland River, annually, also large shippers for his neighboring farmers.

Mr. SIBLEY. Mr. Chairman, the members of this House are not unaware of the fact that I have been an earnest advocate of expansion, that I have favored the acquisition of the Philippine Archipelago, and have attempted to defend the policy of the Administration, if any defense were necessary, in its efforts for the pacification of those islands.

It has been my belief that not alone honor, but duty, justifies our position there; that an all-wise and overruling Providence has committed to us the task of carrying the arts of peace and the story of the cross to the remotest and darkest regions of the globe, and that our standards, moral and civic, are to permeate and bless the downtrodden of God's children wherever found. It has been my belief that the commercial welfare of our nation demands that we should control that archipelago, standing as it does as the gateway of the oriental world. It is the judgment of all investigators that Manila is destined to become one of the greatest commercial cities of the globe; that there will be assembled at that port the products of the teeming millions of the Far East, and therefrom distribution to the markets of the world, and that our nation will profit from the acquisition of this archipelago beyond the imagination of man at the present time to conceive.

Not infrequently have we read or listened to the charges that American soldiers were cruel in the conduct of the warfare in the archipelago. Often these statements were made, at least so it seemed to me, for partisan purposes. But, Mr. Chairman, when we have read, as we have in the past twenty-four hours, that a general, wearing the uniform of the Army of the United States, one who stands under the shadow of the banner of freedom, issues orders, not to conciliate a province, but to leave it a howling wilderness, and to kill all above 10 years of age, then humanity must stand aghast and look backward for more than eighteen centuries for the prototype of the modern Herod.

In the veins of what boy has the blood not run cold as he has read of such world-scourges as Timour the Tartar, Attila, "the scourge of God," or of the atrocities of the invading Saracens? If the public press correctly reports the general's admission that these were his orders, then we can thank our God that it has taken eighteen centuries to produce another Attila, another Timour the Tartar; and we blush that such a one should be called an American.

We have heard much of the "water cure," and have believed that these statements were untrue, or at least exaggerated. But within the last few days attempts have been made to explain away or minimize the terrible features of such a torture.

Can any man whose blood bounds in his pulses, any man who has read his Bible or has been reared at the knee of a Christian mother, justify the perpetration of such cruelties upon any being who wears the guise and image of his Creator? Men attempting to justify pumping a man full of water, drowning him, and then bringing him back to life by thumping upon his distended stomach with the butts of muskets! This is not civilization. This is barbarism. This is not Christianizing the world. This is not leading humanity toward the higher summits of life. This is searing and blighting the life, brutalizing the instincts of those who must participate in or witness such methods. When American soldiers are compelled to even witness the infliction of such cruelties under the command of a general officer, then we are taking the boys who left Christian homes, full of love of country, of patriotism, and of humanity, and brutalizing them. This will bring them back not the better qualified, as they should be, for the higher duties of citizenship, but with contempt for the sanctity of human life and insensible to human suffering. This is the turning back of the hands upon the dial which marks the advancing steps of a Christian civilization. This is the defilement of the temple which Christianity erects in the lives of good men.

We can all rejoice that the case before us is exceptional, that this cruelty has not marked the general conduct of our arms in the East, and that but few Americans have participated in the perpetration of such outrages. During the past winter Governor Taft has been before the committee of which I have the honor to be a member, and I am sure that each member of the committee enjoyed, as I did, listening to his testimony, to hear of his success in the pacification of the provinces; and all fair-minded men recognize the grand and good work that that Commission has been doing and has so well-nigh accomplished in the pacification of nearly all of these provinces.

But, Mr. Chairman, it is my judgment that no race of human beings upon this earth can be permanently pacified through methods of drowning and then bringing them back to life by the thumps of the butt of a musket upon the distended stomach. So long as a generation shall live within that province which shall be told of those cruelties, told of the edict which put to death—innocent and guilty alike—those above 10 years of age, will not the memory of that wrong rankle, and will those people ever look with confidence upon the people of this Republic? As one who stands upon the Republican side of this Chamber; as one who believes that he voices the sentiment of men upon both sides of this Chamber; as one who trusts he belongs, not alone in the Republican ranks, but in the ranks of the brotherhood of man the wide world round, I wish to voice the protest from members upon both sides of this Chamber when we declare against such abuses of power. [Applause.]

A friend of mine said to me but a moment ago, "You had better wait until you hear the General's defense before you make your protest." If the General is correctly reported and stands by the declaration with which he is credited, assuming the responsibility for such orders, then I desire to say that there is no defense; and I hope the President of the United States will have the courage, upon this man's admission, to discharge him dishonorably from the service which he has thus disgraced. [Applause.]

If he is correctly reported as admitting that he issued orders to leave that province a howling waste and wilderness and to kill all above 10 years of age, the innocent with the guilty, that man ought never to be permitted to stay in the service of the United States until the sun goes down. He is a blot not alone upon the army in the Philippines; he is a disgrace to every man who ever wore the uniform of the United States, and he is a blot and a disgrace upon our present civilization. Wait and hear what his

justification may be! That man does not live who can justify such orders! [Applause.] There is no justification. There can be no justification. I care not how adroit may be his lawyers, how subtle may be their reasoning, or how cunningly they may frame their plea; the fact, admitted by his own mouth, that he issued such orders is sufficient for me to hope that there is the courage and the patriotism, the humanity and the Christianity, at the other end of this avenue that will not permit him to wear the Federal uniform twenty-four hours hence.

This is no question of party. This rises above all party levels. In the name of humanity we protest. For the fame of our civilization; for the honor of those who wore both the blue and the gray during the long years of civic strife; in the name of those who wore the nation's uniform and marched to glory and to honor beneath the folds of the American flag in Cuba, in Porto Rico, and in the Philippines; in the name of the compassionate Christ, whose followers we profess to be, we protest and deny the right of any man to wear the American uniform under a commission from this Government and place such a blot upon the banner of freedom. Nor can we believe that the God of battles can march with us where such practices are permitted to prevail. [Applause.]

Mr. WILLIAMS of Mississippi. I yield one minute to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, in considering the matter of the agricultural bill the following bill introduced by me should, in my opinion, have the most prominent place, for nothing can be so essential for the well-being and progress of the great farming interest of this country as good roads:

A bill (H. R. 12650) to provide good roads in the 45 States and 4 Territories of the United States.

Whereas it is of the greatest importance that there should be a uniform system of good roads in the 45 States and 4 Territories of the United States, to the end that there may be increased facilities for the dissemination of knowledge by means of rural free delivery and more intimate and efficient interstate commerce; and

Whereas the people of the United States demand good roads as part compensation for the burdens of taxation which they bear for foreign commerce: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$100,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be set aside by the Secretary of the Treasury, to be known as the "good-roads fund." *Provided*, That the Secretary of the Treasury may, if no money is available unappropriated, sell bonds for the purposes of this act, rate of interest not to exceed 2 per cent per annum, under such rules and regulations as he may deem proper.

Sec. 2. That the Secretary of Agriculture be, and he is hereby, authorized and directed to apply the said amount, or so much thereof as hereinafter provided, in the construction of good roads and highways in the 45 States and 4 Territories on such plans and specifications as he may adopt as being fitted to secure permanent, good, and substantial highways in the respective localities, such roads and highways to be varied in construction only as may be demanded in the character of material in different sections.

Sec. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from said fund so much of the said good-roads fund as the Secretary of Agriculture may from time to time call for to pay for the said construction of said highways.

Sec. 4. That the said construction shall proceed contemporaneously in the aforesaid States and Territories as nearly as practicable: *Provided*, That after \$1 per capita has been expended in any State or States or Territory or Territories no further expenditure is to be made until work is completed in all the aforesaid States and Territories: *Provided*, That any section of road not exceeding 25 miles may be completed in excess of the aforesaid per capita to prevent deterioration and loss.

Sec. 5. That condemnation proceedings must be had under the existing laws of the respective States and Territories, and all damages assessed must be charged to and paid out of that State's quota of the good-roads fund in which the damage is assessed.

Sec. 6. That the Secretary of Agriculture be, and he is hereby, authorized and directed to organize a force of engineers to superintend the construction of said roads and highways, which shall consist of one chief engineer to every \_\_\_\_\_ miles, at a salary of \_\_\_\_\_ dollars, and one assistant engineer to every \_\_\_\_\_ miles, at a salary of \_\_\_\_\_ dollars, with such camp allowance and equipage as may be approved by him (the Secretary of Agriculture), and such other clerks, operatives, and laborers below the grade of \$1,200 as he may determine: *Provided*, That all such appointments must be distributed in the respective States in proportion to population, if practicable, and such total number of employees shall not exceed \_\_\_\_\_ in number to every \_\_\_\_\_ miles under construction.

Sec. 7. That the Secretary of Agriculture shall construct said roads by letting to contract to lowest bidder, unless, in his opinion, the work may be done more satisfactorily otherwise, and he is authorized to do any part or the whole of the work in any or all of the aforesaid States and Territories by Government force or contract, as it may appear to him best for the public interest.

Sec. 8. That the Secretary of Agriculture shall provide all instruments, stationery, appliances, utensils, camp equipage, livestock, vehicles, and other articles, and shall cause all necessary printing to be done, the cost of all of which and the salaries of all engineers and operatives shall be paid out of the general fund and be chargeable to the quota of the good-roads fund of no State or Territory: *Provided*, That the salaries of all engineers, assistant engineers, and other employees while actually engaged in work in any State or Territory shall be charged to the said State's quota of the good-roads fund.

Sec. 9. That the balance of the \$100,000,000 remaining after the general expenditures and the expenditure of \$1 per capita in said States and Territories shall constitute a reserve fund to be dealt with by Congress.

Sec. 10. That for purposes of this act the census of 1900 is to be the basis, and this appropriation shall be available July 1, 1902.

Sec. 11. That nothing in this act shall be construed as authorizing the improvement of any part of a road or street within the corporate limits of any incorporated town or city.

Sec. 12. That the Secretary of Agriculture may, if he deems it advisable, establish under his supervision a bureau of good roads, with a chief with a

salary of \_\_\_\_\_ dollars, to be appointed by the President and confirmed by the Senate.

SEC. 13. That all roads constructed under this act when completed are to become the property of the respective States and Territories and subject to the laws and regulations of said States and Territories.

SEC. 14. That no work shall be done in any State or Territory under this act until the legislatures of said States and Territories shall have passed resolutions accepting and approving of its terms.

SEC. 15. That the Secretaries of the Treasury and Agriculture are hereby directed to enforce the provisions of this act without delay, and all acts or parts of acts in conflict with this act are hereby repealed.

In my opinion the most important question before the American people to-day is that of good roads. Before it Nicaraguan Canal, ship subsidy, Cuban, or any other reciprocity sinks into insignificance.

Good roads, like all other good things, cost. Cheap articles are of inferior quality, hence our bad roads.

If we are to have good roads, we must pay for them. To pay for them we must be taxed. Then, if taxed, how? By the Federal or State government? I am in favor of the whole system of roads in this country being placed under Government construction, to be paid for out of the United States Treasury.

In a word, as you will observe, my bill provides for the direct appropriation of \$100,000,000 to be expended in the 45 States and 4 Territories of the United States in proportion to population, the census of 1900 to be the basis, and in no State to be expended more than \$1 per capita of population. Construction to be under Department of Agriculture; work to be done contemporaneously in all sections as nearly as practicable. Secretary of Agriculture may let by contract or construct otherwise, as he may determine, under specifications and plans to be uniform except as to variation to suit climatic and local conditions, but in all cases good and substantial highways. Legislature of States and Territories to approve and accept the provisions of this act before work shall begin. Appropriation to be available July 1, 1902; purpose of the act to facilitate dissemination of knowledge by means of mail delivery to every man's door, to foster education by facilitating school attendance, and to promote more intimate interstate relations.

It will be observed that if the Government would issue bonds, \$100,000,000 at 2 per cent, it would be a tax of 2½ cents per capita to meet this annual charge, a mere bagatelle.

Will anybody tell me why the United States Government should not construct good roads in the various States and Territories? Is there any difference in thus applying public money and applying it to creeks, branches, and rivers? Both are to expedite transportation, to help interstate and foreign commerce.

Suppose the \$400,000,000 (perhaps more) spent in the Philippine acquisition had been turned loose, under the well-directed efforts of some executive department of the Government, for construction of good roads, does anyone for a moment question which would have been the more beneficial to the people of this country? We have spent \$450,000,000 on rivers and harbors, millions for railroads, immigration, irrigation, foreign commerce, mail facilities, and are going to spend hundreds of millions for an isthmian canal—all worthy objects—and yet not a cent in a century for good roads. Public health appeals for it. It is no exaggeration to say that public roads leading to our towns and cities contain cesspools of disease, microbe incubators, and germ-life preservers.

I repeat, tell me why we should not have good roads constructed under the supervision of the Government. Are not creeks, bayous, spring branches made navigable by the magic touch of the river and harbor bill? Only about \$80,000,000 was appropriated last week. Do they not dam and lock streams to improve transportation? Is it not for the public good? But any more than would be public roads?

Submit to-day to the voters of the United States taxpayers a proposition for appropriation of \$200,000,000 for good roads on the one hand, or for an isthmian canal on the other, as popular as the latter is, and good roads would win 10 to 1.

As much good as the great canal would do, it shrinks into diminutive proportions compared with the enthusiasm for good roads.

As said a man of distinction respecting this great question:

Our people lead the world in almost everything else, but in this matter of building common roads they bring up the very rear of the procession. For instance, it is only 14 or 15 miles from the national capital to Mount Vernon, the home and final resting place of Washington. Though he has been dead more than a hundred years, the road between the capital and Mount Vernon has not been improved to any perceptible degree since he died. It is circuitous and at times almost impassable. The time has come when the General Government should again take up this work and expend some reasonable proportion of its great revenues in building up the main roads of the country. This is especially desirable in view of the fact that new and wonderful inventions have been brought forward within the last two years by which inanimate power can be applied in place of animal power upon these highways. With the bicycle, the automobile, the traction engine, and the suburban street car, we have many new vehicles the like of which was never known in the earlier days.

Now, when we remember that New York is nearer to San Francisco than it was to Baltimore seventy years ago, when the one



exchanges goods with the other every hour of the day, when we can travel more miles in a day than we could in sixty days then, when we can now whisper across the continent, we may think that it was the inventive genius alone of such men as Watt, Stephenson, Fulton, Bell, and Edison; but not so. "We have directed the national hand and loosened the national purse strings" to the encouragement of improved industrial methods; to the establishment of great commercial and mechanical centers, and in certain directions have so extended national aid as to enlarge and quicken the means of all transportation except that on public roads, and have expended millions to provide outlets for the accumulating inland trade. It was good statesmanship to do it. Yet it was less statesmanship that inspired it than it was the insistence of capital for Government aid.

As said a writer on this subject, in substance:

The Government has saved time, lightened labor, abridged distance in the operations of the banker, the merchant, the professional man, the manufacturer, yet has done practically nothing to allay the complaint of the farmer or to elevate his industrial condition.

He is too far from the Government; he is not in touch with it. He still travels the same road in some sections that was a better highway twenty-five to one hundred years ago than it is to-day. A precedent has already been set by the Government, even were it needed, to establish its right to enter into such construction.

During the early years of the Republic the National Government appropriated only about \$14,000,000 for the construction of the national highways to connect the capital with the distant parts of the country. The longest straight road ever built by any government in any country in the world was built by the United States from Cumberland, Md., through Maryland, Pennsylvania, Ohio, Indiana, Illinois, to St. Louis. This was not only the longest straight road ever built, but the best road ever built in America. It was productive of the greatest good in its day and generation, but owing to the differences in the minds of the leading statesmen of that day the work was finally abandoned, and for two generations past the General Government has done but very little or almost nothing toward the construction and maintenance of the highways of the country. As a result the great Cumberland road has fallen into decay, and there has been less progress made in the science and art of public road building in the United States from that day to this than in any other industry or department of knowledge.

The concentration of population and wealth in great cities would be largely overcome if the country districts should have their fair share of the appropriation of public money, and the consequent improvement of the country roads that would follow.

Transportation is the prime factor of civilization and wealth. No country can afford to neglect it, and no country can afford to neglect its agricultural interests—least of all can the United States do so.

This great interest is declining in the United States. If nothing else indicated it the steady increase of the percentage of urban population demonstrates it. In the beginning of the Nineteenth century one-twentieth of our population was urban, to-day one-third live in cities of 8,000 inhabitants and over, and there was 100 per cent increase between 1880 and 1890. To the want of good country roads is this condition largely attributable.

To the Congress of the United States the question of public roads seems a matter of small concern. But it is because its attention has not been invited and invoked to it by the great farming interest of the country. They must organize as manufacturers do—make their requests known and, in a business way, be heard.

Their produce can be and is moved thousands of miles at a less cost than it costs them to haul the same weight from their barns to their railroad station. In the great State of New York, according to the census of 1890, the value of the farm crops was exceeded by only four States, and the disproportion between the wealth of country and town was such that the value of farm lands was less than 8 per cent, and that of incorporated cities and towns was 92 per cent of all the taxable values. Certainly good public roads would have improved these conditions.

It must be obvious that improved means of transportation to local markets would give great relief to the farmer. Such difficulties as beset him in the wagon road—the necessity of light loads, wear and tear on live stock, long delays, mud blockades, broken axles, extra trips—would be tolerated by no other class of our citizens.

Yet public roads are placed in his immediate care, as if he alone had any more special interest in them than other classes, as if he alone should keep up repairs at his expense, when the truth is the public is quite as much interested as he and should as much as he bear the burden of construction and repair. Public roads, unlike the magnificent lines of transportation, unlike telephone and telegraph lines, are institutions of the body politic, and yet thus far the General Government has denied them even a modicum of support that it has showered upon schemes of private capital.

Again, the great volume of internal trade goes over the common public dirt road. It exceeds all the countless tons of freight of all the railroads in the country, as well as of the steamboats, for besides this freight which is first hauled over dirt roads to railroad stations and river wharves, there is still a large tonnage that never reaches either the station or the wharf, but is carted to local markets for home consumption.

With these views, which may be crude, I shall continue so long as I have the mental capacity and physical force to press for Government construction of public highways, believing, as I do, that it is just and right, and that under the operation of such a law good roads would be an accomplished fact; the country people—the farmers of this country—would receive some portion of that consideration that is due them, and that prosperity would not be piebald and in patches, but the whole country would blossom like a rose.

As illustrating what I would desire to say on the subject of good roads, I take the liberty of inserting herein an able address delivered at Charlottesville, Va., on April 4 last, before the Jefferson Memorial Good Roads Association, by Hon. Binger Hermann, of Oregon, who represented the State in Congress for a number of years, and who is at present the Commissioner of the General Land Office of the United States. He has given this subject much careful thought, and I invite the attention of the House to his address, which now follows:

#### THE BENEFIT OF GOOD ROADS.

Mr. President and gentlemen of the Jefferson Memorial Association of Virginia, in this age of inventive genius, wonderful industrial development, and marvelous riches, and with a nation of people unexcelled for their energy, public spirit, and patriotism, incredible strides have been accomplished in almost every conceivable direction whereby the comforts and conveniences of all our people have been the happy result.

Among these advances something has also been done in a few sections of our country as to an improvement in our road systems. Various counties and some States have actively entered upon a campaign of education along these lines, and satisfactory results have ensued, and the good work still goes on, but in most of the States of the Union, however, a sad deficiency is manifest, and even the last century has not contributed for good roads the proportionate stimulus which it has conferred on other material and industrial development. We justly boast of our magnificent railway and waterway communication, but let it not be forgotten that these are of little avail to the one who can not conveniently and cheaply reach them. This is evidenced in the difference between fairly good roads and railways.

The average cost of transportation by rail is now one-half of a cent a ton a mile, while that by the wagon road is ten and twenty times as high, while on some roads the cost of transportation is prohibitive. There is a lack of uniformity in the road systems of the different counties and States, which vary as much as the condition of the numerous roadways themselves. Unless this is remedied there will continue to exist indefinitely an obstacle to improved facilities for road travel whereby permanent, continuous, and easy transit may be assured direct from one community to another and from one portion of the lines of travel to the remotest confines of our common country. To that individual or corporation that may achieve this success there will be due the lasting gratitude and the devout blessings of endless posterity. If I were possessed of the gift of prophecy I should say that the hour of relief is near at hand and that to the National Good Roads Association shall we be indebted for the consummation of the end so long desired.

It is not so much the construction of roads that is needed as it is the construction of good roads. As an economic proposition, it may be said that a bad road is decidedly more costly than a good road. If I were asked my opinion of any section of country, I should first desire to know as to the system and condition of its roadways. Communities are poor in proportion as they are remote from transportation facilities. Cheap transportation means freer competition, and freer competition forbids unjust combination. Good roads are the advance agents of prosperity as well as equality. Good roads mean good markets, and they also mean cheaper and quicker transit between the market place, the farm, and the factory. Good roads mean a larger margin of profit to the producer and the manufacturer and also an easier rate to the consumer. Good roads mean appreciation in land values. Good roads also encourage production and induce population and social advantages. Good roads invite improved vehicles and require less power. It is estimated that 15 cents a ton per mile represents the difference between first-class good roads and the common country road. By authority of the Agricultural Department officials the significant assertion is made that 99 per cent of the entire roadway mileage of this country is practically unimproved so far as we may define good roads. If this be only partially true, the hour can not strike too soon for the people to awaken to the real situation which confronts them. The great railways have been liberally aided by our Government, and the waterways have received a generous recognition also. Let the next problem be, What shall we do for the people's roadways?

#### PIONEER ROADWAYS.

It was my lot to have been one of the early pioneers in the country west of the Rocky Mountains and in the dense forests facing the waters of the Pacific Ocean. It was necessary that we cross the rugged Coast Range to penetrate the interior, first upon Indian trails and often along the well-beaten highway traversed by the elk, then so frequently seen upon the western confines of the Republic. Later on, as the pioneer element increased, we blazed, cut out, and established our own trails, following easier gradients than those of our aboriginal neighbors. Thereafter followed the rude wagon road upon grades and curves still better, though often the vehicles were elevated and lowered over precipitous cliffs and carried around mountain sides. Even this crude beginning indicated an advanced stage in the pioneer settlement. The cross-cut saw, the shovel and the pick, and the grubbing hoe, with the ax and handspike, represented the implements in use. These, with the muscle and energy of the hopeful American pioneer, prepared the way from one community to another, and thence to the highway of the territory. Imperfect implements, scanty means, few neighbors, and general lack of skill and uniformity made slow progress. Even as population increased and improved methods and more plentiful means were obtainable there was yet missing the essential method requisite for good roads.

Necessity is the mother of invention, it is said, and to the pioneer this same necessity is often a blessing in disguise. It enabled us to reach the most inaccessible places and to establish routes which at first seemed impossible. Yet, with increased demands and with fifty years' expenditure of labor and



liberal contributions of money, the roads continue rough, unsatisfactory, and costly to the people who use them. While the advances of improved methods are noticeable everywhere and bring ease and comfort and success in all other enterprises, yet, with few exceptions, the country at large still moves upon roadways discreditable in the fair weather of summer and almost impassable and too often invisible in the inclement season of winter.

Though the United States is abreast of all other nations in the industrial problems of mankind, there is, as I have before remarked, one exception, and that is the wagon road. In this we are behind all other nations. Our people patiently endure the inconvenience and cost of traveling between the farm and the market place, and the reason improvement has been slow may too often be found in the old saying that what is everybody's business is nobody's business. It is too often the case that when one has safely worked his way over the hilly, rocky, or muddy road he forgets the effort another must make who follows him. Often he condemns the one who had preceded him for his lack of public spirit in the matter of internal improvements. In the main one depends upon the other and looks to him for an incentive, for a system, and for a start. Railroad corporations should be among the first to encourage and aid in such an awakening of the road conscience, as no interest is so much affected by good wagon roads as the railway. The better and the easier the transportation from the harvest field, the factory, the forest, and the mine to the railway station, the greater the traffic for the corporation. If it were not for the rural wagon road the railway could not exist.

A good road is a good investment to the county, State, or nation. Good roads lower taxation. This is history. The reason is obvious. The better the road, the greater the increase of property valuation and the greater the revenue from taxation. Heretofore we have given much of our attention and untold millions in aid to the long-distance transportation by rail and by water, and we have overlooked the shorter route which connects with our dooryards. It often costs as much to haul 1 ton from the barn to the depot or wharf as it does from there across the continent or over the ocean to the foreign market. The issue is imperative. How shall we improve transportation on the people's roads?

#### RECENT STATE LEGISLATION.

Many suggestions are offered and each worthy of serious consideration. In some States it is coming to be conceded that to leave the roadmaking to road districts or townships, or even to counties, is too burdensome, as but little progress is made. The local authorities there are unable to grapple with the situation. In some States there is a cooperation between the State and local authorities, and this plan is increasing in popular favor.

In New York, as an illustration, the county authorities submit a resolution to the State engineer describing the roadway improvement, and he investigates the same and certifies whether the road will be of sufficient importance for common traffic and travel. If he approves the highway, it is mapped in outline and profile and specifications and plans are prepared for such roadway as the climate, soil, and material in the vicinity and the nature of the traffic will require. Estimate is then made and sent the county board, and if approved the State engineer advertises for bids. The county engineer, if there be one, has charge of the work under the direction of the State engineer and shall report to him. One-half the cost of construction is paid by the State treasurer and one-half is a county charge.

If the county authorities recommend the road without a petition from the owners of the majority of the linear feet fronting on the highway, then 35 per cent of the cost becomes a legal county charge, and 15 per cent shall be a charge upon the town in which the improved highway may be. If, however, the authorities recommend to the State engineer on petition of property owners, then the county is still charged with one-half the cost, but 15 per cent shall be assessed upon the lands of such owners in proportion to the value of the lands fronting or abutting the highway, and the amounts are collected in the same manner as other taxes. Thereafter the county maintains the road as other county roads.

The State engineer may be consulted by any of the road authorities of the county, and he shall furnish all necessary information, plans, and direction for roadways and bridges upon request. He shall also hold one public meeting during the year in each county and report annually to the legislature as to the year's operations. This law has been recommended to the Industrial Commission as the "most suitable State-aid law passed by any State."

That of New Jersey is next in efficiency if not the equal of the New York law. They both follow practically along the same lines. New Jersey was the first to revive road building, and New York has imitated her system closely. Massachusetts has done much, and Ohio has a good record. In Massachusetts, however, the burden of improvement is virtually borne by the entire State.

Summing up this phase of the subject it seems reasonable to conclude that Congress should be urged to consider the advisability and the practicability of national cooperation with State and local authorities in roadway improvement, under such wise supervision and regulation as to extent and character of roadway, amount and proportion of aid, as would be just and consistent. At least let the matter be investigated by proper committees and report made.

#### HOW ARE GOOD ROADS CONSTRUCTED?

The first consideration in the establishment of a good road is the location, next the grade, then the cost of construction, and lastly the cost of maintenance. While at first glance a level road may be preferable, yet for permanency and endurance even a 1 per cent grade is better than a level; since superior drainage can be had which is so essential to the solidity and maintenance of the roadbed. Doubly important is this in a country where rainfall is excessive. The sun is also a valuable aid in road preservation. The good road maker will always seek the sunny side of the hill or forest. But the chief requisite is the grade, and to obtain this we can afford to sacrifice distance and incur extra cost. On all embankments we are advised as a first principle to make ditches so as to avoid washes. Bermuda grass, when planted on embankments is found a good protector in holding them in place. The roadbed when thoroughly rolled and with a proper crown is ready to receive a first layer of small crushed rock, with the next layer of rock smaller than the first; and with a final covering of screenings or fine crushed stone; and last, it should be rolled until firm and compact.

A serious error in most communities is said to be in using clay or loam as a bond, and in making the first or bed-rock layer of large stone or boulders instead of such as have passed the jaws of the crusher. A further advice is to shun the narrow-tired wagon, as it is the enemy to the good road. As to economy in construction, we are also advised that a portable 15-horsepower, a portable crusher, a road machine, a large plow, a harrow, and a steam roller, the latter of about 13 tons, with scrapers and a sprinkler, are necessary. For an ordinary county it is estimated that this outfit would cost about \$6,500. Wagons and teams are not included in this estimate. These are the suggestions offered by good road makers for first-class, good roads. When so constructed a 2-horse team can do the same work as that previously done by a 4-horse team. Evidence taken before the Industrial Commission tends to show that the issuance of long-time bonds has become very popular as a means to raise funds, and that prison labor is also resorted to in some of the States in the making of public roads, being utilized largely in preparing

the material and in such class of labor as would not ordinarily come in competition with manufacturers and laboring men.

Much as first-class, good roads are desired it is recognized that their construction must be slow because of the cost involved. But few localities, perhaps, and those nearer the large towns and cities, can at present undertake such work. It therefore behooves other communities to seek a less expensive, but yet a systematic improvement. The necessity for better roads still continues, and it is incumbent upon society to contrive the best plan practicable, according to the conditions which prevail.

The demonstration we witness here to-day is an impressive object lesson, and it, with others which have preceded it upon a smaller scale in some favored States in the South and West, indicates unmistakably that there is a quickening of the road conscience of the people, not only in many counties and States, but that it is also invoking a national interest. Education is coming to the rescue, advanced methods and improved implements and machinery are being adopted, engineering principles and thoughtful experiments upon new lines are being applied, steam and electricity multiply the motive power, and good roads—not merely roads—are coming, surely coming, to gladden the twentieth century.

#### NATIONAL AID.

It is claimed by many that the subject involves within it a project so vast that to be of uniform and efficient service throughout the various States a greater aid than that heretofore contributed by voluntary contributions, individual labor, or by road district and county or State taxes, is required. That the aid should not only be in material form but should embrace a concentration of effort as well as of idea. It is urged that this aid can best be accomplished through the cooperation of the General Government and that such assistance is indispensable, especially upon the principal routes of travel in the States and Territories. That a judicious system, carefully devised by eminent engineers and applied to the more important and necessary routes, as may be mutually agreed upon between the State and national authorities, should be adopted.

For years the Government has extended its generous attention to the improvement of the navigable waterways of the country in order that facilities for cheap transportation may be increased and improved, and it is further claimed that Congress unjustly discriminates in failing to provide for the landways of the country. This is the reasoning which later on may have consideration in the National Legislature. It may be said partly in reply that the General Government in later years has manifested a very generous disposition to our railways, and contributed some aid to wagon roads, by grants of public lands through Congressional legislation. To railroads 197,000,000 acres have been granted, while of wagon roads 3,273,816 acres have been granted directly and indirectly to various corporations and States. Here it may be said as to this generosity toward wagon-road grants that they were open to the serious objection that many of them in character and safeguard were grossly improvident, and were secured more for speculative purposes than for subserving the greatest possible good for the greatest possible number.

Even where in good faith attempts have been made to establish roadways, based on such beneficence of the Government, the construction has been operated upon a mistaken principle and upon incorrect and extravagant methods, and the instances are exceedingly rare where any one of such roadways has answered the real purpose for which it was intended, especially after the grantee had secured an approved title from the Government. If this national aid in the recent past was justified and politic, it is vastly more so now, since the country has expanded to such gigantic proportions, and with such close relations and intermingling between all the parts. Interstate commerce has grown immensely, and the domestic traffic among our people is enormous. The people and the Government are also nearer to each other. The generous policy of rural free delivery is the best evidence of this. The rural community is more than ever interested and anxious to be connected with the main highways and with the metropolis in the different counties in order to secure a free and regular delivery of the United States mails to their immediate homes. Never before has the General Government approached so close to the fireside of the agricultural classes.

Then, again, the introduction of the automobile, the locomobile, and the bicycle has already induced a travel between the States which bids soon to become of great magnitude, and this attracts a public interest as well as a favorable sentiment to the condition of the roadways even in remote localities. Heretofore it has been machinery on the railway and machinery on the waterway, but now it is machinery on the roadway. We have indeed entered upon a new era; an era which could not have been anticipated even twenty years ago. What was before a mere general interest will henceforth become the special interest of all classes and of the General Government itself. It is now being considered by many eminent statesmen whether a comprehensive system can possibly be devised having in view permanency, uniformity, durability, and, above all, intelligent design as to the nation's roadways. A project for improved navigation on the waterways is approved at the central office of the engineer department at Washington City, and hence it is asked why, from the same central point, a national and interstate road system for the whole country might not also be formulated and approved with State cooperation and why competent engineering and scientific superintendence could not equally and satisfactorily follow.

It must be conceded that the difficulty at present is in the lack of a uniform and approved road system between the States, as we find when we pass from the good and well-designed roads of one State upon the ill-constructed and wretched highways of another, and, worse still, where each county has an independent system of its own, for then we travel over as many different kinds of roads in a State as there are counties or road districts within it. Now, almost every road supervisor has a system of his own, while some have no system at all. This suggestion of national aid and national supervision of roadways as made by many good road advocates would not necessarily relieve the State or local authorities from road construction. There could still be recognized a distinction between the national and interstate roads selected and approved by the national authorities in cooperation with the State and local authorities, and those not so selected and improved might be left exclusively to the State and local authorities. In a brief time the system and superior method provided for the greater highways would invite general approval among the people and would be applied to the local roads constructed everywhere. The spirit of improvement set by the greater system would permeate and permeate the most remote communities. How far these views can be demonstrated to be practical time must tell. It must be admitted, however, that the subject is gradually becoming a national question. It was once local, but now it is general. All classes and all sections of our country have an interest in the roadways of widely distant parts.

There is much in the criticism of the good road's advocates as to existing conditions and much in their advocacy for national aid which should enlist the hearty sympathy of every good citizen. The careful and economic administration of national aid for national roadways exhibited by our forefathers one hundred years ago should have been a more valuable lesson to those who legislated seventy years later. Should the Government again be induced to return to its former participation in good-road construction the



most comprehensive system (practicable as well as uniform) should be adopted, and with such skillful directors as will be equal to the task and who will consecrate their best endeavors to the conscientious performance of the public trust. In the earlier days of the Indian wars—in the famous but ill-fated Braddock march from the Potomac to the Ohio—a Virginia roadmaker and surveyor, Colonel Washington, but later the founder of our nation, gave the colonies a lasting remembrance of the perilous disadvantages in time of war of bad roads and as an obstacle in time of peace in reaching our extended frontier.

#### THE FAMOUS NATIONAL PIKE.

The construction later of the famous national road or pike, almost a century ago, extending from certain navigable streams entering the Atlantic to the waters of the Ohio, traversing seven different States of the Union and covering 800 miles, is a model for good roads building of the present day. It followed the Braddock route long distances, and though costly in its construction, it was enduring and designed upon the best approved models. It affords an illustration not only of how good roads should be made and what good roads can accomplish in any community, but what they can do in the upbuilding of a nation. Before its completion from four to six weeks were required to transport goods from Baltimore to the Ohio River, and the freight varied from \$6 to \$20 per hundred, while after the completion the time, as well as the cost, was reduced to one-half from Baltimore to Wheeling, and comfortable stagecoaches carried mails and passengers between these points in forty-eight hours' time. This road was the first through national highway ever constructed by this Government, and it is significant in having had its initiation under the patronage of the immortal Thomas Jefferson and having been constructed to completion under the administrations of the three illustrious Virginians—Jefferson, Madison, and Monroe.

#### JEFFERSON, THE ROAD BUILDER.

It seems, therefore, to be eminently appropriate that this great demonstration should be held at this point, near the line of that famous highway and almost in sight of the homes of these great Presidents. Thomas Jefferson himself was born near this route. He appreciated the necessity for good roads, and further realized that to make a system uniform and complete for all the country it must have national aid and appropriate legislation. He lived to see it a success and saw conveyed upon its well-planned grades and over its smooth and hard surface hundreds of thousands of people and millions of wealth. He saw it break the barrier of the Appalachian Mountains and also become a bond of union between the East and West.

He saw it when as many as 204 horse coaches could have been counted in line at one time, and when large broad-wheeled wagons covered with white canvas and carrying often 10 tons of merchandise, drawn by 6 Conestoga horses of superb form and strength, were plainly seen at all hours of the day and at all points of the road, moving slowly, but surely, to the promised land of the West. It was indeed one vast and continuous caravan. He saw towns and villages spring up as if by magic, and substantial brick and stone taverns constructed at convenient points for the accommodation of the enormous traffic. He saw fulfilled to perfection the missions for which the road was designed. Twenty-five years after his time, the steam locomotive entered upon the scene and competed for the constantly increasing transportation. Parallel highways for the iron horse quickly followed, and the glory and utility of this well-remembered road largely ceased. One of the old residents along the route expressed his farewell in these lines:

"We hear no more of the clanging hoof  
And the stagecoach rattling by;  
For the steam king rules the troubled world,  
And the old pike's left to die."

This was the American Applan way between the East and the West in the early years of our country's history. It was not built, like the Roman Way, to gratify the vanity of kings and princes, emperors and empires, but wholly to aid in the development and upbuilding of a great republic. The old Roman highway, however, early gave proof of what good roads' advocates claim to-day. It did a splendid part later on in adding to the material aggrandizement of the Empire which was foremost among the nations of the earth in its liberality and public spirit in the construction of good roads. Pantheon, the ancient classic author, informs us of the manifold benefits derived by localities along this famous route, and Horace and Virgil have testified their gratitude for many pleasures experienced in their travels over the Applan Way. It has come down to us as one of the monuments of the Roman people. It was so well built that it survived long after the country that built it had perished from the nations of the earth.

Of Jefferson's historic national road it may be said that while it has gone out of existence and is largely but a memory, yet the benefits which it achieved in its day in aid of the mighty growth and expansion of our beloved country have left an impress which will continue to the end of time.

#### FORMER CONGRESSIONAL LEGISLATION.

Virginia was the pioneer in urging and advocating a national system of good roads. The first official suggestion as to the old national pike was contained in a report made by Governor Giles, of Virginia, in 1802, and in the Congress of 1803 following a similar report was made by Mr. Randolph, of Virginia, and this was approved. The act of April 20, 1802, for the admission of Ohio, provided that one-twentieth part of the net proceeds of the public lands within that State sold by Congress should be applied to public roads leading from navigable waters emptying into the Atlantic Ocean to the State of Ohio and through that State, to be laid out by authority of Congress. In 1803 Congress appropriated 3 per cent of the 5 per cent of the sales of public lands for constructing roads within the State of Ohio, leaving the 2 per cent for roads leading to that State.

Similar acts were passed in 1816, on the admission of Indiana, and in 1818, on the admission of Illinois, and also in 1820, on the admission of Missouri.

On March 29, 1806, President Jefferson approved the act of Congress which formally authorized the construction of the great road. It was he who appointed the commissioners to lay out the road, and he who secured the consent of Pennsylvania, Maryland, and Virginia for its construction through those States. In their report to Mr. Jefferson, dated December 20, 1806, the commissioners say that—

"They can not withhold assurance of a firm belief that the purse of the nation can not be more seasonably opened or more happily applied than in promoting the speedy and effectual establishment of a great, easy road on the way contemplated."

And they expressed the opinion that—  
"Nothing short of a firm, substantial, well-formed stone-cap road can remove the causes which lead to the measure of improvement."

#### THE ROAD TO THE PACIFIC.

This great enterprise seems to have been but an object lesson for Virginia and for Jefferson, as it led about the same time to that memorable exploitation for another road greater and to regions more remote than the world had

as yet dreamed—to the far-away waters of the Pacific Ocean—under the command of the two famous Virginia pathfinders, Capts. Meriwether Lewis and William Clark.

The centennial anniversary of this world-renowned expedition and of the memorable winter camp of the Virginia explorers near the great Columbia River, in what is now the State of Oregon, will be celebrated in 1905 at Portland, the flourishing metropolis of that, my home State, with a splendor and a liberality that will be worthy of the event which it commemorates. In what was once known as the Oregon country there are now three great States of the Republic and portions of two others.

In that fair land you will now behold more than a million of prosperous and contented American citizens producing and exporting to all quarters of the earth by sea and by land vast quantities of wheat, flour, salmon, lumber, hops, fruits, and live stock, and receiving in return the multiplied products of other lands. Thus Virginia and the far-away Pacific Northwest, bound together by an association, made memorable by the sons of the Old Dominion, can meet in reciprocal union on that joyous occasion.

As if these glorious epochs were not enough for one State, there was still held in reserve another renown which should eclipse all the rest. A prophetic vision of the immortal Jefferson beheld beyond the Mississippi a vast empire, reaching in seemingly endless expanse to the lofty summit of the Rocky Mountains, and all under the sovereign power of another nation. With his penetrating judgment he realized the value of this domain to the permanent peace and safety, the prosperity, and the happiness of the nation.

With the public sentiment and with a Congress in cordial sympathy with his views, his purpose, and his efforts, he succeeded in acquiring from France this expansive area, which now contains, in whole or in part, thirteen States and Territories of this our unrivaled nation, and being seven times the area of Great Britain and Ireland, more than four times that of Germany, and exceeding the combined area of Great Britain, Germany, France, Spain, Portugal, and Italy. The story is a long one, but as splendid as it is long, and the historic page contains no achievement in the art of diplomacy or in the course of honorable peace more resplendent and more far reaching in its results or more potent in the welfare of millions of mankind than in the purchase of the Louisiana province, soon to be commemorated by the St. Louis Exposition Association in a manner worthy of the nation and worthy of that proud event; and when there shall assemble in that city in the coming year the legions of grateful and patriotic Americans and the multitudes who will gather there from the utmost limits of the earth the proudest plaudits from heart and tongue will be those to the memory of the sage of Monticello.

#### ILLUSTRIOUS VIRGINIA ROADMAKERS.

In the fullness of our obligations to old Virginia for its gallant men and the priceless heritage they have left us, we must still remember that near this noted place another leader of those times was born, that heroic representative of the pioneer, the explorer, and the self-sacrificing patriot, Gen. John Rogers Clarke, he to whose daring and timely deeds, more than to any other one, we owe our possession of Ohio, Indiana, Illinois, Wisconsin, and a portion of Michigan.

From a certain mountain summit in this region we can view the birth-places of three of these Virginians who were instrumental in acquiring to the United States more than one-half of its present enormous domain, and almost in sight are the hills upon the Potomac where rests the illustrious Pater Patria, the one who laid the enduring foundation for all.

As I seem to behold before me the shadowy forms of these immortals there likewise appears to view in the majestic procession yet another, the stately presence of that renowned jurist, Chief Justice Marshall, whose home was also in this vicinity. We delight to dwell upon this glorious roll of honor—Washington, Jefferson, Madison, Monroe, Lewis and Clark, John Rodgers Clarke, and the peerless and classic Marshall, whose habitations and associations were all within a radius of not many miles from this spot. How revered are such memories to every true American! Let me voice the wish that this road, which henceforth is to mark a magnificent way to the hallowed precincts of Monticello, will ere long be extended to the near-by localities which were the homes also of Presidents Madison and Monroe; and still further, to the remaining places, not far away, where the restive spirits of the intrepid Lewis and Clark impatiently awaited the call of Jefferson to depart upon their perilous journey across the trackless wilds:

" \* \* \* where rolls the Oregon  
And hears no sound save his own dashings."

Many of our fellow-citizens are prompted to make annual pilgrimages to foreign lands, there to pay their homage to the kingly graves within Westminster Abbey, to gaze upon the Pyramids, to revel upon the bright waters of Lucerne and Geneva, or to climb the mountain summits of the Alps, forgetting that in this our own land there are natural wonders and scenic grandeur, both in mountain and lake, unsurpassed by any other portions of the earth; and there are also sacred memories which attach to the tombs of American sovereigns—the heroic defenders of liberty—and whose names are imperishably inscribed upon the temple of fame. We have a Mount Vernon, a Monticello, a Hermitage, and a Springfield, and other hallowed places, which to every American heart should be dearly cherished and more zealously sought for than the tombs and pyramids of the emperors and kings of the Old World.

Let this fond hope be realized that the meditative pilgrim may approach these shrines from afar and afar to testify in devout adoration to the blessed memories so precious to our countrymen, and while doing so that he may be inspired with somewhat of the exalted spirit which animated these patriot forefathers, pioneers, roadmakers, and American empire builders.

Where are they now? Of this glorious constellation not one remains to shed upon us their mellow luster. They have all set—

" \* \* \* Not obscurely bright,  
But one unclouded blaze of living light."

Mr. WILLIAMS of Mississippi. I now yield fifteen minutes to my colleague [Mr. SPIGHT].

Mr. SPIGHT. Mr. Chairman, I do not desire to talk about the bill now pending, because I believe that it needs no argument to commend it to the American Congress; but I want to talk about a subject that ought to be of interest and of pride to every member upon this floor.

During the four years that I have held a seat in this House I have had pending from time to time before the Committee on Pensions a bill to increase the pensions of the Mexican war veterans from eight to twelve dollars a month without regard to their financial and physical ability to earn a support.

There is such a bill now pending before the committee of this

House. On the 14th of February of this year the Senate passed a bill of similar import, which has been sleeping in the House committee for more than two months. I am not here to criticize the action of that committee, but simply to call their attention and the attention of the House to some facts in that connection.

It is known to everyone that the few who are left of those old soldiers can not now be less than 70 years of age, most of them perhaps 75 or more. It has been about fifty-five years since the end of the Mexican war. Fifty-five and fifteen make seventy, and putting the soldiers at only 15 years of age—mere boys—they would now be 70 or past 70 years of age.

Unfortunately, most of these soldiers are poor men, and under the present law there is no chance to pay them more than \$8 a month unless they can take the paupers' oath. In other words, they must both swear and prove that by reason of their poverty and their physical disabilities they are not able to live on \$8 a month. Many of them are too proud to take that oath and to make that proof by their neighbors, and I say it is but a matter of justice to these old men that the increase should be made from \$8 to \$12 a month.

Let us look at some of the facts that I have taken some pains to gather from the official records and see how this would affect the public Treasury.

The last report of the Commissioner of Pensions says that on the 30th of June, 1901, there were only 7,568 survivors of the Mexican war. This number has been decreasing at the rate of from seven to nine hundred a year since 1888. There are now, or was at the time of the closing of this report, 3,889 who are receiving only \$8 per month. At the rate of decrease during the last ten years, and especially taking the last year, when nearly 800 dropped out, there would be a little more than 3,000, or possibly 3,500, of those who are receiving \$8, and for whom we are asking \$4 more. Putting it at 3,500, an increase of \$4 a month would make \$14,000 a month, or for the whole number there would be \$168,000 for the first year. The highest amount ever spent for pensions to the Mexican war veterans was in 1888, when there was paid \$1,861,756.07. The last year, coming down to the last of June, 1901, the total for this class of old soldiers was only \$921,032.18.

Now this decrease in appropriations for the survivors of the Mexican war has been at the rate of from \$60,000 or \$65,000 to \$100,000 a year. So I say that \$160,000 or \$170,000 would be the maximum expenditure on account of this increase from \$8 to \$12 a month for the first year and would rapidly decrease annually thereafter. And can not we afford, out of the abundance of our means, to do this tardy justice to those old men? I believe that if the bill could ever be reported to the House that this House would pass the Senate bill without hesitation. I said awhile ago I did not intend to criticize the committee, but I call attention to these facts that the members of this House may bring to bear such influences as they may control upon the Committee on Pensions to induce them to take some action and report this bill. These old soldiers are scattered all over the country. They are in every State of the Union.

I find in the Commissioner's report that the largest agency, or the agency where the largest number are paid, is the Knoxville agency, and the number paid there during the last fiscal year was 2,107. The next largest agency is San Francisco, where there were paid 1,257. The next largest is at Topeka, where there were 1,031. I mention this to show how they are scattered all over the country, and that in granting this relief we give it to no particular State, but to survivors in all States of the Union.

Now, Mr. Chairman, by the valor of these grand old men there was added to our domain a vast territory, rounding out the symmetry of our great Republic and uniting the Atlantic and the Pacific oceans, with nothing intervening except American soil, American homes, American manhood and womanhood, and over all floating the American flag.

These old men can not last much longer. They are the remnants of the grand army who wrote bright pages in the martial history of the world and carried our flag to victory at Buena Vista, Vera Cruz, Chapultepec, and Mexico and won for us this territory, of which we have been so proud during all these years. Let us do justice to these old men. In a few years more the Mexican-war soldier will be known only in history and in the hearts of his countrymen. Let us smooth their rugged way along the balance of the journey of their short lives and bid them a last farewell with the assurance that even republics are not always ungrateful.

I hope that influences will be brought to bear that will induce this committee to report this bill and that this tardy justice will be done to these old soldiers. [Loud applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, how much time has the minority remaining?

The CHAIRMAN. Eleven minutes.

Mr. WILLIAMS of Mississippi. I now yield to the gentleman from North Carolina.

Mr. KLUTZ. Mr. Chairman, one of the greatest crying needs of this great country is good roads. No argument can be needed to establish this proposition because it is self-evident. We may legislate to benefit our cities and towns by erecting great public buildings; we may legislate to bring them traffic and commerce by voting great appropriations for river and harbor improvements, but if we stop short of building good roads to them we fail in that which would be of greatest benefit. [Applause.]

No only so, but we fail in our duty to the great rural population of the country as well.

"An honest peasantry is the country's pride;" an intelligent, prosperous, contented, rural population is the country's hope. It is vain to build great cities and network them with railroads, and canals, and to improve their rivers and harbors unless we can give them the backing of a great tributary, rural, agricultural population. A nation of cities would be an anomaly, an impossibility, a failure. As well think of fountains without contributing streams, of mills without motive power. How shall the problem of relieving the congestion of the cities be solved?

How shall the question of making farm life more pleasant and attractive, of keeping the farmer on his farm, and his bright boy with him, be answered? How shall the isolation of the farmer's wife be relieved and her yearnings for social intercourse with neighbors be gratified? How shall it be made possible for the products of the farm, the forest, the mill, the mine, to reach markets where railroads, rivers, and canals are not available?

How shall every acre of arable land in this country be trebled in value and the national wealth correspondingly increased? The answer to each and every of these potent questions is the same—good roads and better postal facilities. [Applause.] No man can doubt or gainsay it. With the establishment and rapid extension of rural free delivery one of these great problems is in course of solution, but even this can not be fully successful, can not complete its beneficent work, without the other—without good roads over which to carry the mails to the very doors of the farmers.

Especially is this so in sparsely settled mountainous sections of the country. No better, braver, or more loyal and deserving people live, but their very sparseness and poverty render the building of good roads by them, either by labor or taxation, impossible. And the same is largely true of the South, as a whole. We have a magnificent country, with every variety of soil, climate, and production. We have a population intelligent, enterprising, patriotic, hospitable, and self-reliant.

We are trying to do our duty by ourselves, our country, and our posterity. That we guard the graves and the memories of our ancestral dead, the purity of our race, the sanctity of our firesides, the virtue of our womanhood, and the sacredness of our institutions with jealous care, should be counted to our credit. These things we have done and will do, whatever may betide, God helping us in the same.

Mr. Chairman, I have recently seen the statement, from an apparently reliable source, that statistics show that the material wealth of the Southern States in 1900 was, approximately, just what it was in 1860. Can I make it plain what this portentous fact means? I was but a boy, sir, when hostilities began in 1860. I know, sir, what the happy, smiling, prosperous South was then. I know, too, all the horrors of that four years of devastation and blood. I know the sorrow and death and poverty that came to almost every Southern home.

God forbid, sir, that the hand of brother should ever again be raised against brother, that of section against section. May this great, reunited country never again suffer the horrors of internecine war!

I saw the old veterans of Lee and Jackson return to desolated homes and fields, to begin again the work of life. I saw the sincere efforts of my people to adapt themselves to new environments. They could not, they would not, forget the past, yet they turned uncomplainingly and hopefully toward the seemingly hopeless future.

Then I saw the inauguration of reconstruction and the advent of the carpetbagger. Would God I could forget those days. I shall not dwell upon them. No brave, loyal, proud people were ever subjected to such a carnival of loot and humiliation. Plundered, outraged, loaded with debts for improvements which were never inaugurated, for railroads which were never built, taxed beyond endurance, standing guard at night over our women and our weal, deprived of the right of suffrage, while it was conferred on our recent slaves—oh, sir, the cup of the South was full and running over.

Yet, Mr. Chairman, like a giant refreshed with new wine, like the Phoenix from her ashes, the South has arisen. The purest Anglo-Saxon blood in the world could not be kept down. Catching the



quickstep of the great march of progress, she has done wonderful things, which are but the presage of the more glorious things of the future.

And yet, with a record which is marvelous in men's eyes, with all the millions of looms and spindles which she has set whirling, with all the marvelous developments in city, town, and country, with all the throbbing energy which she has put forth, with all the improvements in railroads, in rivers, and canals, in mill and mine and field, this great South has but just recouped her losses, has but now attained her position of forty years ago.

With forty years lost, let me ask you gentlemen of more favored sections, is it any wonder that we have not kept up, that we are not now up, with you in the matter of education, of roads, of material advancement?

We have lost forty long years by the results of a war which enriched you.

We have not educated our people as well as you, because we have not been able to do so, and because one race in its poverty has been burdened with the education of two.

Nor, for the same reasons, have we been able to build roads as you have done. The teeming, throbbing life about us now demands, and demands imperatively, that good roads be built from our farms to our thriving towns. The antiquated system of keeping up the roads by a few days' holiday labor in each year by those living along them will no longer answer. The road problem is upon us. The town which would continue to thrive must have good roads leading to it; the farming community which would thrive must have good roads leading to nearby markets. The spokes of the wheel must converge to the hub.

We have done, we are doing, all that we can in this direction. We are taxing ourselves to the last limit, and yet we are doing and can do but little in comparison with what is urgently needed to be done. Our people are aroused to the necessity for good roads, but a calculation of the necessary cost is sufficient to unnerve them.

The General Government, under the direction of our present admirable and progressive Secretary of Agriculture, has done and is doing much, through the Bureau of Public-Road Inquiries, to intelligently arouse and direct public attention upon this great question. I believe, however, that the time is ripe for greater things. I believe that the General Government should go farther, and, either by direct appropriation to, or cooperation with the States of the Union, inaugurate and push forward a great system of road building throughout the country.

I shall cheerfully support the Beidler bill for the appointment of a commission to investigate and report upon this whole subject, but I should prefer to support the Otey bill or some similar perfected measure, which would mean something, appropriate something, and do something without delay.

The constitutional argument troubles me little. The Constitution is all right for rivers, creeks, harbors, canals, and public buildings, but all wrong, say gentlemen, for public roads.

In round numbers, as I am informed, about \$500,000,000 have been expended by this country for the improvement of rivers and harbors, and at this session the Congress will in all probability appropriate something like seventy millions more for the same purpose. That much of this good money has been and will be wasted, so far as permanent improvement is concerned, goes without saying.

Insignificant creeks and rivers in unknown and uncommercial localities share, perhaps more than equally, with great and meritorious rivers and harbors. Under the present system it perhaps must needs be so, for the "pork" must be so distributed as to secure the passage of the bill, and States which are not represented on the great Committee on Rivers and Harbors, or which by failure of reciprocal representation on other great committees of the House have nothing to trade, fare but poorly in the distribution. My own good State of North Carolina is thus a sufferer.

My purpose now, however, is not to complain of the amounts appropriated for rivers and harbors. An enlightened public policy demands and sanctions such appropriations and the abuses are the fault of our legislative system.

Time was when such appropriations were denounced, fulminated against, and vetoed. The strict letter of the Constitution was invoked by Madison, Monroe, Jackson, Polk, and Pierce in sounding rhetoric against such a supposedly unwarranted use of the Federal funds.

The question of the express, implied, and incidental powers of the General Government and of the reserved rights of the States will be found learnedly discussed in the veto messages of all these venerated Presidents, and always resolved against the rightfulness of appropriations for internal improvements—rivers, harbors, canals, and public highways being always joined in the same con-

demnation. The very first of these, the veto message of President Monroe, dated March 3, 1817, says:

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds for "constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce, and to render more easy and less expensive the means and provisions for the common defense," I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with that objection to the House in which it originated.

No distinction appears here, and the veto applies equally to rivers and harbors, to roads and canals. It is worthy of note, too, that this veto message was sustained only by a vote of 56 against 60 in this early Congress of the fathers of the Republic.

Next comes the message of President Monroe vetoing the act for the preservation and repair of the Cumberland road, dated May 4, 1822, accompanied by a lengthy and learned paper of many pages, the conclusion of the whole being that Congress has no constitutional power to make appropriations for any internal improvements.

Here, again, it is noticeable that this veto was also sustained only by a vote of 72 against 68. Following next comes the message of President Jackson, dated May 27, 1830, vetoing the Maysville turnpike bill, which equally reprobates appropriations for roads and canals, and which was sustained by the narrow margin of 96 to 92. Again, on December 6, 1832, President Jackson gives at length his reasons for withholding his signature from "An act for the improvement of certain harbors and the navigation of certain rivers," affirming his veto message of the Maysville road bill.

President Tyler, on June 11, 1844, vetoed an act making appropriations for the improvement of certain rivers and harbors, giving substantially the same constitutional objections as given by his predecessors, and there were 104 votes against to only 84 for sustaining the veto.

President Polk, on August 3, 1846, vetoed a river and harbor bill, giving as reasons therefor the same constitutional objections to such legislation, and his veto was only sustained by a minority vote of 91 against 97.

Again, on December 15, 1847, Mr. Polk, in an elaborate message, vetoed a bill for certain internal improvements in Wisconsin, which was presented to Congress too late for reversal.

President Pierce, on August 4, 1854, vetoed a bill for the repair, preservation, etc., of certain public parks, and was only sustained by a minority vote, 80 against 95.

Then follow thick and fast similar veto messages from Mr. Pierce. May 19, 1856, he vetoed a bill to remove obstructions to navigation in the mouth of the Mississippi; May 19, 1856, he vetoed the bill for deepening the channel over the St. Clair flats, in the State of Michigan; May 22, 1856, he vetoed a bill for deepening the channel over St. Marys flats, in the same State; on August 11, 1856, one for the improvement of the Des Moines Rapids, and on August 14, 1856, one for improving the Patapsco River at Baltimore, all of which bills were passed over his veto.

President Buchanan, on February 1, 1860, gave his reasons for withholding his signature from the St. Clair flats bill, and on February 6, 1860, for refusing to sign the bill for removing obstructions from the mouth of the Mississippi. Both these bills had passed the preceding session of Congress, so his veto messages were too late for action and were simply ordered printed and laid on the table.

President Arthur vetoed a river and harbor bill August 1, 1882, and it was promptly passed over his veto. Since that time the constitutional argument seems to have been settled in favor of rivers and harbors, but by a sort of acquiescence, against public roads and highways, though the argument and condemnation of all the veto messages was equally against both.

A study of these veto messages and the legislation which evoked them shows conclusively that while the Presidential conscience has been opposed to appropriations for internal improvements, the legislative conscience has always been in favor of them. This policy, then, being settled now by executive, legislative, and judicial authority in favor of river and harbor improvement, what reason remains for objection to Federal appropriations for highways and post-roads? What constitutional objection can be urged against them which does not lie equally against the other? The need is certainly at least as great, and the time for action, it seems to me, has come.

If it is constitutional to make appropriations for the improvement of rivers and harbors, it is equally constitutional to do so for post roads and public highways, for these are equally highways of commerce. Public roads are the great arteries of commerce which reach out into the country, gathering up and bringing to the rivers, the canals, the harbors of the cities, as well as to the railroads, the very primary elements and constituents of commerce.

I said, Mr. Chairman, that the constitutional argument does not trouble me. Surely the Constitution is a wonderful instrument. I have the very profoundest respect for it as the most masterly production to be found in political history. It is somewhat remarkable, however, sir, that its provisions can be, and are invoked, for or against any particular legislation, as interest or prejudice may dictate.

However, sir, even if gentlemen consider the constitutional objection to appropriations for public highways insuperable, what can be their objection to a division of the groaning surplus to the States for this purpose? Surely this is constitutional and democratic. The surplus was distributed among the States under Jackson, and all that would need to be added to this precedent would be the limitation that each State's dividend should be expended solely for public roads.

I am wedded to no particular plan. I do not want the General Government itself to go into the business of road building, except for educational and object-lesson purposes. I want none of the rights or duties of the several States invaded. I believe, however, that the General Government constitutionally can, and that it ought to, aid and supplement the work of the people of all the States in this important matter.

I believe that every dollar so expended would be returned tenfold in the enhancement of farm values, in the better and more economical distribution of the mails, in preventing the hegira of our rural population to the already congested cities and towns, in encouraging a reverse flow from city and town to the pure air, fertile fields, and moral surroundings of the farm, and in the increased happiness, loyalty, and gratitude of all the people. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I listened with very much pleasure to the denunciation by the gentleman from Pennsylvania [Mr. SIBLEY] of a brute in uniform in the Philippine Islands. I am a little bit afraid that the gentleman from Pennsylvania is not striking at the evil in the right quarter. It is the system that must be struck at, and not the man who instinctively and unconsciously carries to a logical result the principles of the system itself. Wherever a strong, white, civilized people undertakes a war of conquest against a weak and colored people, in the estimation of the conquerors far their inferiors and almost upon the level of savages, deeds of brutality and savagery are as necessary as the sum of 5 is a consequence of taking 2 and 1 and yet another 2.

Mr. Chairman, just as long as we pursue that policy the chief danger from it is not the butchery of the weak race, bad as that is, but the temptation to tyranny that reacts upon the strong race. It is the brutalizing effect upon our soldiery, our own people, that must follow from waging savage warfare with partially savage people. And for that very reason war by great, strong, civilized, white nations against weak, impotent, uncivilized, half savage, colored peoples ought to be avoided wherever possible. Wherever you have such a system there will exist a Smith, under that name or some other, to issue brutal orders and to perpetrate crime, and there will exist a Funston, under that name or some other, to justify it. Avoid the real evil—wars of conquest against alien and inferior peoples weaker than you. The gentleman from Pennsylvania was right when he said there can be no justification for a civilized man with a heart and conscience for an order to lay waste an entire country and "make it a howling wilderness," and to "kill everybody, including children 10 years of age and over." I am afraid that in a war of that character, where the very worst passions of humanity are necessarily excited, where people do not treat one another with that courtesy and chivalry that two civilized nations treat one another, such orders and crimes and brutes are a necessary consequence.

Mr. Chairman, I want to say a few words about this bill, because I want the House to understand some things about the bill before we proceed to consider it. We have brought you in an appropriation bill for the Department of Agriculture containing the largest increase ever made on any agricultural appropriation bill:

For 1897-98 the appropriation was \$3,182,902.  
For 1898-99 it was \$3,509,202, an increase of \$326,300.  
For 1899-1900 it was \$3,723,022, an increase of \$213,820.  
For 1900-1901 it was \$4,023,500, an increase of \$297,478.  
For 1901-2 it was \$4,532,420, an increase of \$508,920.  
This bill carries \$5,158,570, an increase of \$576,150.

Now, Mr. Chairman, some of this increase in some departments has been very remarkable. I am glad to say that Congress and the committee and the country are waking up to the necessity of increasing the appropriations for the Agricultural Department by leaps and bounds every year. We have increased the bill this year \$576,000, as I stated a moment ago.

Let us take one of the departments, the Department of Soils. It began a few years ago, an obscure subdivision in a division. It has grown now to be a great bureau. It began with an appropriation of \$15,500 in 1895 and 1896, and it increased in 1901 to

\$26,300; then it went up to \$109,140, and we have increased it this year to \$168,900, which is an increase of 59 per cent.

The following table shows the appropriations for this Bureau since 1895:

Year.	Appropriation.
1895-96	\$15,500
1896-97	15,300
1897-98	16,300
1898-99	16,300
1900-1901	26,300
1901-2	31,300
1902-3	109,140
Appropriation this bill	168,900

I want this House to know that this committee, while it is not an extravagant committee, and while it does not believe that the entire Government consists in carrying on the Agricultural Department, it does believe that that Department should be kept equipped and armed, so as to be well in advance of the needs and demands of the country upon the Department. Now, Mr. Chairman, such time as I have I surrender back to the Chair. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I now yield ten minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Chairman, my attention has just been called to a speech made by my colleague, Mr. GILBERT, the other day when I was absent—a speech ostensibly to defend Kentucky and the Kentuckians—but he took occasion to reflect upon eastern Kentucky and upon the Republican party.

I always like to stand with my colleagues in the defense of my people. As between the Americans and other people I am for the Americans. As between the Kentuckians and other people I am for Kentuckians, and as between the Eleventh district and other districts I am for the Eleventh district.

Now, Mr. Chairman, I regret that there is a disposition manifested by some of our Democratic politicians to create a prejudice of one section of Kentucky against another. I want to say for myself and my constituents, although nature has placed us upon a plane higher than that upon which my colleague and his constituents move, we have always treated them with the same courtesy and the same consideration as though they moved upon the same high plane upon which we move. [Laughter.] We live upon the mountains, where we have pure air, pure scenes, and pure politics. [Laughter.] Why, any negro in the Eleventh district can vote the Democratic ticket and have his vote counted the way it is cast, and when we elect a Democratic governor, we let him serve.

The gentleman says that Kentucky was the first State in the Union to tax all the property for the education of all the children of Kentucky. That may be true, but how did it come about? First, a Democratic legislature passed an act submitting a vote to the people of Kentucky, after the close of the civil war, to increase the school tax 20 cents upon each \$100 worth of property for the education of the white children alone. But the Federal court decided that this was a discrimination on account of race, color, and previous condition, and that it was in conflict with the Constitution of the United States, or the amendment thereto, and they were compelled then to put an additional tax for the benefit of the colored people. This is a fact, and while the colored children get as much as the white children, they are taught in separate schools in Kentucky, and it is eminently satisfactory to both the white and the colored people of Kentucky, for the colored seek culture and not new social relations.

Why, Mr. Chairman, we have but one school in Kentucky where the white and black are taught together, and that is in the gentleman's own district, Berea College, endowed by money contributed largely by Northern States—I believe the State of Massachusetts and perhaps New York and Ohio—an institution located in Madison County, in the gentleman's district. I do not know why it was located there, whether they invited it or whether it was placed there on account of the amount of illiteracy in that district; but it is there.

What I want to call attention to more particularly, however, is what the gentleman says in regard to the Republicans from the mountains. I read from his speech:

Let me remind the gentleman that politics became the damndest in Kentucky only when a lot of Republicans came from the mountains to Frankfort, armed with pistols and Winchester rifles, loaded up with mean whisky, and in utter defiance of the law forcibly drove the legislature from the capitol, chased the members from place to place at the point of the bayonet, and wound up their drunken orgy by a cowardly assassination of the governor of the State.

Now, Mr. Chairman, this statement is either true or false. I denounce it as false. There may be one truth in it. He says in regard to the whisky that it was "mean." I do not doubt that



it was mean Democratic whisky—one of the chief products of the gentleman's district—whisky made by Democratic distilleries and protected by a Democratic "trust." I grant that it was "mean."

But were the men who chased that legislature mountain Republicans? I deny it. They were the State militia—not Republicans from the Eleventh district. They were not commanded by a mountain man. They were commanded—by whom? By General Collier, of Garrard County, Ky.—a county in the very heart of the gentleman's own district.

Why was that legislature "chased?" I do not like to speak disrespectfully of the legislature of my own State. An Arkansas man once said that a drove of mules passed through Frankfort and jumped into the statehouse yard, and they could not separate them from the members of the legislature. But you know Colonel Rice, in response, said that a drove of mules got mixed with the legislature of Arkansas and they turned out the legislature and kept the mules. I do not vouch for any of these statements, but let me tell you that was the occasion of a memorable contest between Goebel and Taylor which will forever disgrace the record of Kentucky. What had that legislature done? It was composed of 38 senators and 100 members of the lower house.

Mr. Goebel was himself a member of the senate; he could not act. There was absent 1 other Goebel senator. That left 36, of whom there were 18 Republicans and Democrats who were anti-Goebel. That left 18 members who were regarded as Goebel senators. They drew a committee to try this contest, and they drew 3 straight Goebel senators. They drew from the house a committee of 8 to act in conjunction with these senators to try that case. There were 42 Republican members of the lower house and 8 Democrats who were unfriendly to Goebel. That left about an equal division. But what was the result? They drew 7 straight Goebel Democrats and 1 Republican, the youngest member in that house, who sits by me here to-day.

In the light of this discrimination and unfairness the mountain Republicans naturally believed that they were going to be robbed. They did go to Frankfort, and on the steps of the capitol they were presided over by an ex-Confederate soldier from Lexington, Ky. They entered a solemn protest against such high-handed proceedings. They were not heard, and they returned to their homes. They were not in the city at the time the legislature was "chased," but I am here to defend General Collier, if he needs any defense. He is a man of character, a man of intelligence, a man of courage, a gallant soldier of the civil war. He chased the Confederates in that war, and he was adjutant-general of the State under Governor Bradley. He needs no defense.

But I must hasten on. The gentleman on the other side says, further:

There is no State in the Union with a better and cleaner record than Kentucky. We have scarcely any criminal classes at all, outside of the negro population and a few lawless counties in the mountains, "hopelessly dominated by the Republican party."

Is that true? Is it true that the spirit of lawlessness has existed or now exists in the mountain counties alone, "dominated by the Republican party?" I deny it. I do not like to point out any of the shortcomings of any of the people of Kentucky, and what I say now I say in defense of my own people.

When I was a boy I read of the feuds between the Hills and the Evanses in the heart of the gentleman's district. At the close of the war this district was the scene of the Kukulux operations. Read the history of Kentucky of that period. It was then called the "dark and bloody ground" on account of these transactions. Not only so: when you talk about lawlessness in Kentucky, I invite the gentleman's attention to the tollgate raiders of recent date in central Kentucky.

I read now, Mr. Chairman, a note handed me by a person from his district, calling attention to the fact that within one mile and a quarter of Shelbyville, the gentleman's own home, one tollgate was blown up three times, and there was carried on a spirit of lawlessness in central Kentucky, and especially in the Eighth district, until they battered down the tollgates in that district. Why, Mr. Chairman, I can tell when I get out of the Eleventh and into the Eighth district now by the tollgates. They stand in the Eleventh district and they are gone in the Eighth. The counties have been forced in some instance to buy out the pikes and to throw the gates open.

I am not here to say whether the laws in these counties are oppressive, or whether the charters granted to turnpike corporations by the Democratic legislatures are unfair or oppressive, or whether the gentleman's constituency is irrepressible. Be that as it may, the spirit of overriding the law is present in his district more than it is in mine. These are recent occurrences. Yes; and I have another item here which I will read, that in the year 1899 two negroes were lynched from his own county seat at a time when a Methodist conference was going on in that town. Are they not, I ask, in nice shape to come here and talk about lawlessness in the moun-

tains, where they are domineered by Republican administrations? I regret that we ever had feuds in Kentucky.

I believe there is no living feud there now, but if you believe for a moment that the Republican party is responsible for the feuds in our State read the history of Rowan County, a Democratic county, and learn of the feuds which took place there, and read the history of the feuds in the Democratic county of Breathitt. They have come along after the Kukulux days. Of course, I might refer to the Courier-Journal, which published Grove Kennedy as the most celebrated outlaw in Kentucky, and he was a resident of the Eight district of Kentucky.

Now, my fellow-citizens, I am proud that I represent the mountains. The gentleman paid us one high compliment inadvertently when he placed Chief Justice Miller next to John Marshall upon the Supreme Bench. Perhaps he did not know that Justice Miller was a native of Knox County, in the Eleventh district. Perhaps he did not know that he commenced his brilliant career just where Caleb Powers commenced his—born, like Caleb Powers, in the mountains, an intelligent, courageous, and promising young man as was Caleb Powers, who was fortunate in not having to go up against the Goebel election law. Justice Miller, when he practiced in Knox County, and when he held other honorable positions, was not deprived of the honor that the people conferred upon him by the operation of the Goebel election law as was Caleb Powers.

Caleb Powers was elected secretary of state, and received his commission and entered upon the duties of his office. That office was taken from him under the operations of the Goebel law. A serious charge was made against him, charging him with complicity in the Goebel murder. He was arrested and abused, hit in the face by the guards, put in jail at Lexington, and then without any warrant of law at midnight he was taken out and spirited over the country to Frankfort in a private conveyance, not knowing what was to happen to him.

Mr. WHEELER. Will the gentleman permit me to ask him a question?

Mr. BOREING. Yes.

Mr. WHEELER. Will he not be fair enough to the committee to state that when Caleb Powers was struck, as the gentleman has detailed, he was disguised and fleeing from the accusation of murder and resisted arrest? Is not that the fact?

Mr. BOREING. I do not know whether it is true or not.

Mr. WHEELER. Well, it is true.

Mr. BOREING. But I do know that under the laws of Kentucky the guards had no right to strike him.

Mr. WHEELER. When he was resisting arrest?

Mr. BOREING. He was not resisting arrest.

Mr. WHEELER. If the gentleman does not know anything about the incident, how does he know he was not resisting arrest?

Mr. BOREING. How does the gentleman know he was?

Mr. WHEELER. I have the sworn statement of officers, which was given in a court of justice.

Mr. BOREING. Yes; and I will ask the gentleman if the officers were not proceeded against for the taking away of Caleb Powers without warrant of law?

Mr. WHEELER. No, sir; the officers were acting under the instructions from the police and sheriff of Franklin County.

Mr. BOREING. How did it happen, then, that warrants were sworn out against the parties who took him from the jail in Lexington? Police and sheriff at Frankfort had no jurisdiction.

Mr. WHEELER. Caleb Powers had disguised himself as a militiaman, shaved off his beard, put on a wig, slipped on a train, and was trying to escape to the mountains of Kentucky, when he was apprehended. He resisted arrest and was arrested.

Mr. BOREING. If the gentleman knew as much about the matter as he ought to know before he puts in, he would know that Caleb Powers never wore a beard in his life. He was a beardless boy; he was not disguised.

Mr. WHEELER. I understood the gentleman to say that he did not know anything about the incident.

Mr. BOREING. I am not responsible for the gentleman's understanding. I may give the gentleman information, but God Almighty alone can give him understanding. [Laughter.]

Mr. WHEELER. I am thoroughly aware of that fact, and that there are some men who have neither information nor understanding; but I took the gentleman at his word when he stated that he did not know anything about what the conditions were when he was struck.

Mr. BOREING. I know only what the gentleman knows, and know what I have heard and what I read. I was not present.

Mr. WHEELER. Nor was I.

Mr. BOREING. I will ask the gentleman a question, and I will ask the gentleman from the Eighth district a question. Do you gentlemen indorse the act of the courts or officials that put Caleb Powers in a cell with the negroes at Frankfort?

Mr. WHEELER. No, sir; if that were true, I would not indorse it.

Mr. BOREING. Well, is it true?

Mr. WHEELER. My information is that it is not true.

Mr. BOREING. Your information?

Mr. WHEELER. He is sufficiently infamous, in my judgment, to go into a cell with the worst element of mankind, but I should not have put him in a cell with anybody. I should have kept him in a cell by himself if the matter had been left to me.

Mr. BOREING. My information is to the contrary, and I think I am rightly informed. Now, if it is true that the men who chased the legislature killed Goebel, why did not the gentlemen go before the grand jury and indict them and not stand upon the floor of this House and make representations to deceive the country as to the facts?

Mr. GILBERT. May I interrupt the gentleman?

Mr. BOREING. Certainly.

Mr. GILBERT. Why do you not return those that have already been indicted?

Mr. BOREING. You will find a full answer to your question in the statement made by Governor Durbin, of Indiana. Now, I will ask you, How it is that when you try Caleb Powers you can draw Democratic juries from a box that has Republicans and Democrats both in it?

Mr. GILBERT. Did not a Democratic jury acquit one of those fellows the other day? That is not an answer to my question.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WADSWORTH. I believe that closes the general debate.

Mr. BOREING. I am very sorry that I have not time to complete what I have to say.

Mr. KLUTTZ. I ask that the time of the gentleman from Kentucky be extended to allow him to conclude his remarks.

Mr. WADSWORTH. We have had six hours' general debate on this bill, and I think that is enough.

The CHAIRMAN. Objection is made.

Mr. WADSWORTH. I move that we proceed now under the five-minute rule.

The CHAIRMAN. The time for general debate having expired, the Clerk will proceed with the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Office of the Secretary: For compensation of Secretary of Agriculture, \$8,000; Assistant Secretary of Agriculture, \$4,500; chief clerk, who shall be superintendent of the Department buildings, \$2,500; private secretary to the Secretary of Agriculture, \$2,250; stenographer to the Secretary of Agriculture, \$1,400; private secretary to the Assistant Secretary of Agriculture, \$1,600; 1 appointment clerk, \$2,000; 1 Chief of Supply Division, \$2,000; 1 telegraph and telephone operator, \$1,200; 1 clerk class 4, \$1,800; 2 clerks class 3, \$3,200; 2 clerks class 2, \$2,800; 7 clerks class 1, \$8,400; 5 clerks, at \$1,000 each, \$5,000; 1 clerk, \$840; 1 engineer, who shall be captain of the watch, \$1,600; 1 fireman, who shall be steam fitter, \$900; 1 assistant fireman, \$720; 1 assistant fireman, \$600; 1 electrician, \$900; 1 plumber, \$900; 1 blacksmith, \$840; 9 night watchmen, at \$720 each, \$6,480; 2 day watchmen, at \$720 each, \$1,440; 1 mechanic, \$1,100; 6 messengers, at \$840 each, \$5,040; 2 assistant messengers, at \$720 each, \$1,440; in all, \$93,450.

Mr. CANNON. Mr. Chairman, in line 12, page 2, I move to strike out the word "five" and to insert the word "four."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 2, line 12, strike out "five" and insert "four."

The CHAIRMAN. The Chair would like to know which word "five" the gentleman proposes to strike out. The word "five" occurs twice in line 12.

Mr. CANNON. Where it first occurs.

Now, Mr. Chairman, I should like to ask the attention of the gentleman in charge of the bill [Mr. WADSWORTH]. I can not state in five minutes all that I have to say.

Mr. WADSWORTH. Well, I will extend the gentleman's time.

Mr. CANNON. I do not know that I want it extended at this point. There are other points where the very thing that I have in view occurs where I may want a little more than five minutes. I hold in my hand the report that accompanies this bill, and read the following paragraph from it:

The apparent increase in the salary rolls of the several bureaus and divisions of the Department is not an actual increase either of salary or clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls, and who were then, as now, part of the permanent force of the Department. These transfers were made on the recommendations of the Agricultural Committees of both the Senate and the House.

Now, I have run through this bill and ascertained the number. The report is silent as to the number and amount. I find that there are specifically appropriated for in this bill on this salary list 89 people, aggregating salaries of \$103,390. Well, now, if that was the whole story, there could not be much objection to it, except that from general appropriations, where the Secretary

or the various bureaus had discretion, they have employed a number of people who were covered up. Those people, for anything that I have so far discovered in the bill, are not entitled to thirty days' leave of absence or thirty days' sick leave. So that this innocent transfer picks up these 89 people that nobody knew anything about until they were picked up, and puts them in this additional favorable position. But perhaps if they are really performing the duties that are usual to the Government, that would not be an objection.

Now, I crave the attention of the gentleman to the statement of an additional fact. One would suppose if you picked up \$113,000 worth of people who were paid from lump-sum appropriations, that that would provide for the service, and it ought to. I will submit to the Committee of the Whole that it ought to, and that that should cover the whole ground. But now what do we have? Why, the lump-sum appropriations, in every case, after you relieve them of this \$113,000 worth of people, are largely increased—in every case, so far as I have been able to examine.

Mr. WADSWORTH. You have not gone through the bill.

Mr. CANNON. Well, pretty closely. The report ought to have gone through the bill, but instead of that, there it is. It is some labor to go through the bill, and I have gone through it and had it gone through very thoroughly. He makes various general appropriations with authorization of employment of personal service, and it shows that no one of them has been in the appropriation of the last law.

Mr. WADSWORTH. The salary?

Mr. CANNON. No; the general appropriation. You pick up \$103,000 and make it specific, and say in your report that it is paid from the general appropriation. Now, you add them specifically and increase your general appropriation in the bill. With the same power you could go on and add a hundred thousand or five hundred thousand, if you please, and add them from the lump appropriation. That is my criticism. Let me be a little more specific. In the Bureau of Animal Industry there are six—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask that the gentleman's time be extended five or ten minutes, whatever he pleases.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

Mr. CANNON. Well, ten minutes. I do not think I will take five.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Six employees in the Bureau of Animal Industry are picked up specifically at a cost of \$7,400, whereas the general appropriation for the Bureau of Animal Industry is increased \$110,000.

Mr. WADSWORTH. Where do you get those figures?

Mr. CANNON. From your bill.

Mr. WADSWORTH. I want to correct the gentleman right there. The total increase for the Bureau of Animal Industry is \$93,150. That is the total increase—the increase of salaries and lump sum.

Mr. CANNON. Well?

Mr. WADSWORTH. Your figures are wrong.

Mr. CANNON. I think my figures are right.

Mr. WADSWORTH. They are wrong, I want to say to the gentleman.

Mr. CANNON. Well, the amount of your bill is \$1,160,000; the current law is \$1,050,000. That is a difference of \$110,000.

Mr. WADSWORTH. The item for the Bureau of Animal Industry carried in the bill for 1902-3 is \$1,247,180. The bill of 1901 carried \$1,154,030. That is a difference of \$93,150.

Mr. CANNON. I am speaking of this one appropriation.

Mr. WADSWORTH. I am speaking of the total expenditure for the Bureau of Animal Industry.

Mr. CANNON. I am speaking of the lump sum, where this abuse comes in. The matter that I am talking to I want to be pat on, and I say upon the lump sum the appropriation for the Bureau of Animal Industry is by this bill \$1,160,000, and the lump sum appropriated in the current law—that is, the law that was enacted a year ago—is \$1,050,000. In other words, in this one Bureau you pick up \$7,000 plus for specific clerical service, and you increase the lump sum \$110,000. Well, now, what language do you put in? Here is the clause on page 12:

And for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary.

And so on. You can take that whole increase of \$110,000, and then you can take the \$7,000, and then you can take more. Now, all I mean to say is, you run through these various bureaus and you hold out to the casual reader that you are picking up all your clerical force and putting it on here specifically. You do that, and you retain the power to appoint additional employees without limit, limited only by the amount of the appropriation.



Mr. WADSWORTH. Let me call the gentleman's attention to this, and I read from the report what it says:

The apparent increase in the salary rolls of the several bureaus and divisions of the Department is not an actual increase either in salary or of clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls and who were then, as now, a part of the permanent force of the Department.

These men that are transferred to the statutory rolls are men who are looked upon now in the Agricultural Department as permanently necessary for the work of the Department.

Mr. CANNON. Well, now, why do you put in these words, and why do you increase your appropriation specifically \$110,000?

Mr. WADSWORTH. Let me answer.

Mr. CANNON. Let me finish my question. And why do you put in these words, under which there can be any other people employed for this purpose?

And for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary.

I want to say that you can search in vain in every other appropriation and you can not find that power anywhere, and you ought not to find it anywhere.

Mr. WADSWORTH. The gentleman must remember the work of the other departments is practically all done here in the city of Washington, while the largest per cent of the whole work of the Department of Agriculture is done all over the country.

Mr. CANNON. Oh.

Mr. WADSWORTH. Inspecting the diseases of fruit trees and cattle, and but very little of the work is done practically in the city of Washington. All these men on the statutory rolls go out through the country inspecting diseases of fruit, of cattle, and hogs, and they are not permanently employed here.

Mr. CANNON. Why do you put in this language?

And for this purpose to employ as many persons in the city of Washington—

Mr. WADSWORTH. In the city of Washington and elsewhere.

Mr. CANNON. Why did you put that in?

Mr. WADSWORTH. To give the Secretary of Agriculture leeway so that he can employ them here or send them elsewhere. If they were sent elsewhere the Comptroller might object to the item and there would be trouble.

Mr. CANNON. Mr. Chairman, there is now in permanent law, enacted in 1883-84, a provision that runs to the whole public service, that no man shall be employed in the city of Washington in departmental service unless he is specifically appropriated for. Now, the necessity for that, after a scandal, was that the various departments would use the various appropriations to fill up the departmental service, and we put that into fixed law. Yet here the gentleman evades that by taking up that \$113,000 worth specifically, and instead of curing the abuse he increases, in this one instance, the appropriation by \$110,000, and provides that they can go on and commit that abuse.

Now, I am getting tired that in the name of agriculture, in the name of the farmers—and I represent an agricultural district—that this Department of Agriculture with its bureaus, which run the Department, in my judgment, instead of the Department running the bureaus—in the name of agriculture I am getting tired of this kind of abuse. Therefore I shall move to amend from point to point and try to correct the bill in this respect.

Mr. TALBERT. Mr. Chairman, I am sorry to see the gentleman from Illinois use his great powers in opposition to the farmers.

Mr. CANNON. I am not; I am protesting against the abuse in the name of agriculture and the farmers that exists in this Department and abounds throughout this bill.

Mr. TALBERT. Well, the gentleman can call it by any name he chooses; a rose by any other name would smell as sweet. [Laughter.] At any rate, the gentleman seems to be in favor of cutting down the amounts herein contained.

Now, Mr. Chairman, I desire to say a few words in defense of this Department and to show some statistics or figures.

During the fiscal year ended June 30, 1901, the exportation of agricultural products from the United States reached a total value of \$950,000,000. In other words, fully 65 per cent of the domestic merchandise sent abroad during the year originated on the farm. As to the percentage of our population that depends, directly or indirectly, upon agriculture for its livelihood, I have not the exact figures by me, but it is certainly a conservative estimate to place it between 50 and 60 per cent.

The exact relation of the Department of Agriculture to this vast interest is defined by the act approved forty years ago (May 15, 1862), establishing the Department, which act provides that—

The general design and duties of which (the Department of Agriculture) shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

And to this end the Secretary of Agriculture is—to acquire and preserve in his Department all information concerning agriculture which he can obtain by means of books and correspondence and by

practical and scientific experiments, \* \* \* by the collection of statistics, and by any other appropriate means within his power.

So much for the Department's duties. Now, then, to enable the Department of Agriculture to execute the task thus laid upon it annual appropriations have been made which, at the end of the fiscal year 1901, amounted in round numbers to \$38,600,000 for the forty years of the Department's existence. With this total in mind, it is of interest to turn to page 401 of the Letter of the Secretary of the Treasury transmitting Estimates of Appropriations required for the Fiscal Year ending June 30, 1903 (Fifty-seventh Congress, first session, House of Representatives Document No. 12), from which it appears that for the fiscal year 1902, out of a total of appropriations for the support of the Government reaching \$806,596,877.55, the Department of Agriculture received but \$4,582,758.16, or seven-tenths of 1 per cent. The total of the estimates for 1903 is \$610,827,688.47, of which the Department of Agriculture asks \$5,509,540, or a very little over nine-tenths of 1 per cent. The appropriations asked for each of three other Departments of the Government for the year 1903 are more than four times the total of appropriations for the Department of Agriculture from 1862 to 1901, inclusive. Then it seems to me that everyone on this floor should stand by this Department in the interest of agriculture.

It should be added here that of the \$5,509,540 estimated for the Department of Agriculture for 1903, \$720,000 is for the State experiment stations, and over this sum the Department exercises only a supervisory control. Even including it, however, he has asked for less than 1 per cent of the total estimated for the support of the Government.

If the Secretary of Agriculture had based his estimates upon the demands for experimentation and investigation made by various agricultural interests (such as cotton interests, cattlemen, fruit raisers, tobacco growers, etc.) he could have largely increased the total without in the least exceeding the wishes of the people engaged in these important industries. The Secretary of Agriculture in every case asked for no more money than he felt the Department could wisely use, and for this reason he no doubt felt disposed to regard as unjustified the criticism that the Department of Agriculture is growing too fast.

It is said that this Department is growing too fast. Why, Mr. Chairman, is not every other department of this great Government growing every hour, every day, and is not every other industry dependent upon this one in a measure? Then why not make the foundation stronger and stronger?

That is the only criticism, perhaps, Mr. Chairman, we have in this Department, and it seems to be the determination of the House to begin to economize on the farmer. I would like to submit here some things that this Department has done. Let us first take cotton and see what the Department is doing along that line.

*Cotton.*—For several years the Department has been working on cotton in the South, particularly in South Carolina, in connection with the fine sea island varieties. Several years ago this industry was seriously threatened by a number of very destructive diseases, but as a result of the Department's work these have in a measure been overcome. New and resistant varieties have been developed by crossbreeding and selection, and improved methods of cultivation have been put into operation. Some striking results have been obtained in the way of securing crossbred cottons. The fine, long staple, sea island varieties have been crossed with the upland forms, and as a result cottons have been secured adapted to the uplands much superior to the general varieties now in use. These are being grown in quantities and will be distributed in such a way as to enable the farmers of the South to determine their advantages.

*Egyptian cotton.*—The United States imports about six and a half million dollars' worth of Egyptian cotton every year, and for some time efforts have been made with a view to growing this important crop in the United States. The past two or three years' work has given very promising results in this direction, and it is believed that sooner or later conditions will be found suitable for the production of very high grade Egyptian cotton. "This year," I quote from the report of the Secretary of Agriculture, "a bale of Egyptian cotton grown from imported seed in southern Georgia was given a thorough spinning test in a mill in Connecticut, and was pronounced equal to the best imported grades." Egyptian cotton has already proved very valuable as a means of getting hybrid varieties adapted to many parts of the South. The crossing of the Egyptian forms with the upland varieties has been successful, and their adaptation to different sections is now being tried.

Now, let us see about the cowpea, the great forage and fertilizer crop of the country.

*Resistant cowpea.*—The cowpea forms an important link in connection with the work on cotton, especially in the Sea Island regions, where it is used in rotation. In recent years the cowpea

has been subject to several serious diseases, but recently the Department has secured a hardy sort which withstands several destructive enemies, and which will put into the farmers' hands a means of bringing their lands to a higher state of fertility than ever before. The resistant cowpea, combined with the hybrid cottons, will, it is believed, work a revolution in the production of cotton in certain parts of the South.

As to lilies, what are the facts in the case?

*The growing of lilies.*—In all the large cities of the United States there is an immense demand for flowers at certain seasons of the year and equally so in the country. This is especially the case with lilies, the bulbs of which are for the most part being grown in the Bermuda Islands. Probably one-half million dollars is devoted to this industry in Bermuda, and it has long been believed that there are many parts of the South where work of this kind could be successfully carried on. Investigations and experiments with this object in view have been inaugurated in a number of places with promising results. The Department is maintaining a station at Miami, Fla., for the study of questions of this kind and many others of importance to the farming interests of the Southern States. At this station many problems pertaining to the truck industry, the growing of citrus fruits, and the growing of other valuable products for Northern markets are being considered.

Then comes a fruit universally used and enjoyed.

*Hardy oranges.*—Soon after the great freeze a few years ago the Department inaugurated a series of investigations and experiments, having in mind the production of varieties of oranges and other citrus fruits more hardy than those in existence. Some very striking results have been obtained in this direction by crossing a hardy nonedible orange from Japan with the tender edible varieties from Florida. More than 5,000 hybrids have been obtained and have now been growing for two or three years. In all probability these oranges will fruit the present season, and we will then be able to see definitely the result. If only one hardy orange is secured, it will be a great thing for the people of the South, for it will enable them in a large measure to reestablish the important industry which was so severely injured a few years ago. Florida has many advantages in the production of citrus fruits, and if it were not for the great risk in the matter of cold the work would be exceedingly profitable. The hybrids secured as a result of breeding are now being grown in many parts of the South and have already proved their hardiness, and, as already indicated, their value, so far as fruit is concerned, will in all probability be determined the present year. Now, as to the markets for these products.

*Opening foreign markets for fruits.*—Down through the entire Appalachian region, extending from northern Virginia into central Georgia and Alabama, there is a growing interest in the production of fruits, especially peaches, pears, etc. With the extensive plantings that are now being made the question will soon arise as to what is to become of the products. Last year the Department inaugurated some work, having in mind the extension of our fruit markets into foreign countries. Through careful attention to the details of picking, packing, storage, etc., various perishable fruits have been successfully sent into foreign markets and there sold at very remunerative prices. Altogether there is a most promising outlook for a further continuation of this work, as its success largely depends on putting into operation practical methods of handling the crops. Then comes a product much used and enjoyed by old and young everywhere.

*Tea.*—Very nearly everyone in South Carolina is familiar with the efforts for the production of tea in the State. All are not familiar, however, with the success which has recently attended this work. There are now nearly 100 acres of tea on the plantation at Summerville, and steps have been taken toward the establishment of a large plantation near Charleston, covering something like a thousand acres. All through the South there is a growing interest in this work, and with proper attention to details it is believed that success will be assured. There is a great deal yet to learn in the methods of handling the tea, and for this reason the work will have to be continued at a number of points. Fine grades of green teas can now be made; in fact, the teas produced last year at Summerville have been pronounced by experts equal and in many cases superior to the best imported varieties. Through the perfection of machinery tea can be picked on Monday and put into the New York market on Thursday at a total cost of 15 to 20 cents a pound. The labor problem, of course, is important in this connection; but it is believed that all through the South this can be met by the utilization of idle colored help under proper management. In the utilization of such help the cultivation of silk could also, in all probability, be introduced.

*Rice.*—As to rice, a great product for all, through recent work great advances have been made in the rice industry, especially in Texas and Louisiana. Several years ago it was difficult to arouse interest in this crop, but through the importation of foreign and

more desirable varieties the whole industry has been put on a new basis. More than a million dollars was brought into the States of Louisiana and Texas alone last year as a result of this work, and it is estimated that \$20,000,000 has been invested in the industry, covering lands, mills, etc. During the last three years the imports of rice in the United States have fallen from 150,000,000 pounds to 73,000,000 pounds. This marked decrease in importation has gone hand in hand with our own increased production, and is not due to any falling off in the consumption of rice in the United States.

*Forage crops for the South.*—One of the most striking needs of the Southern States is to secure more and better forage crops. The Department has been putting forth efforts in this direction for some time and promising results are being secured. There is now in the Orient a gentleman who has been prominently identified with the agricultural interests of the South, collecting seed of all kinds for distribution and getting facts which will enable him, on his return, to teach the farmers of the Southern States the use of forage crops and the diversification of their work. This gentleman is also charged with securing new varieties of rice for planting on the uplands and any other new crops that may be of value to this region. The Department is cooperating with the State experiment stations in nearly all the States, and all are working together to the end of building up the agricultural industries and enabling the farmer to produce more than has ever been done before.

These are only a few of the many advances along these lines the Agricultural Department has made, which speaks well indeed for the very efficient man who is now the head of that arm of the Government, the Hon. James Wilson.

Now, Mr. Chairman, I do not think anyone should rise and ask to cut down what the Secretary of Agriculture asks for. I think he has been moderate and reasonable, and only asks for what he can utilize for the benefit of the agricultural sections of this country in common with all other parts of the same, and I hope that none of them will be cut down, and I hope that some will be raised back to the recommendation that he made in his report, for he certainly has demonstrated by his wise policies that he knows his business.

Mr. WADSWORTH. Mr. Chairman, I will only touch on the amendment offered by the gentleman from Illinois, and when we reach the Bureau of Animal Industry I will have something to say about that. This is not an increase of salary; it is a transfer of a clerk from the lump-sum roll. Previous to this he has been paid for from the lump-sum roll. It had been the wish of the Secretary to put on the statutory roll all those who are needed permanently in the Department. In doing that we have transferred a number from the lump-sum roll to the statutory roll, and it is stated in the report that this is not an increase in salary, but simply a transfer from one roll to the other. I hope the amendment will not be agreed to.

Mr. CANNON. Mr. Chairman, I made this amendment for the purpose of making a statement to the House. I have no objection to the transfer from the lump-sum roll of the \$103,000 worth of people to the specific roll in the Department in the city of Washington. What I object to is that after you transfer them as provided for that service in the Department here—I am not talking about the service throughout the country—you still leave on the lump-sum roll available for more lump-sum employees in the Department here.

Now, that is what I object to, and therefore I will withdraw my amendment after calling attention to it and accomplishing my object and make my amendment at the various lump-sum appropriations as they are reached.

Mr. WADSWORTH. Mr. Chairman, a great many men employed outside of the city of Washington are on the statutory roll, and the Secretary must have some leeway. For instance, take the Bureau that the gentleman has called attention to, and it employs many microscopists, and many employees in the abattoirs of St. Louis, Chicago, and other places. If the demand for inspection ceases, he discharges them; if it increases, he has power to reemploy them.

Mr. CANNON. That is all right.

Mr. WADSWORTH. He must have this leeway in order to transact properly the business of the Department. In other words, these employees can not all go upon the statutory roll, but only those that are permanently needed.

Mr. CANNON. I do not think there is any material difference of opinion between the gentleman and myself. I would not propose any amendment that would interfere with the discretion of the Secretary of Agriculture to employ all needful persons for the purposes that he specifies or for any other purpose under the law outside of the Department in Washington. When it is proposed to expend \$103,000 in the employment of clerks, to be paid from the lump sum, and to be employed here in the Department at Washington, as provided for the coming year, I make no objection to that.



But what I do object to, as I shall point out later on, is to continuing this lump-sum appropriation and making it available for the employment of more clerks down here in this Department. I want this Department here in Washington to be "on all fours" with the Treasury Department, the Post-Office Department, the Interior Department, and every other department. I think, if the gentleman understands what I am trying to accomplish, there will be no serious difference of opinion between us. I withdraw the amendment.

The Clerk read as follows:

Office of the Secretary: Laborers and charwomen: One laborer, \$600; 3 charwomen, at \$480 each, \$1,440; 5 charwomen, at \$240 each, \$1,200; for extra laborers and emergency employment, \$1,000; in all, \$4,240.

Mr. WADSWORTH. I move to amend the paragraph just read by inserting after the word "women," in line 5, page 3, the words "one messenger or laborer, \$720." This is to correct an omission. It was in the bill of last year.

The amendment was agreed to.

Mr. WADSWORTH. I request that the Clerk be authorized to change the total in accordance with the amendment just adopted.

The CHAIRMAN. That will be done if there be no objection.

There was no objection.

The Clerk read the next paragraph, containing the following:

Salaries of the Weather Bureau: Office of Chief of Weather Bureau: One Chief of Bureau, \$5,000; one assistant chief of bureau, \$3,000, etc.

Mr. CANNON. I make a point of order upon these words in line 16, page 3: "One assistant chief of bureau, \$3,000."

Mr. Chairman, so far as I am aware, there is no "assistant chief of bureau" authorized by law. There is no law to support this recommendation. It appears now for the first time.

Mr. WADSWORTH. That is true. The clause is subject to a point of order. The committee inserted it in good faith, on the request and recommendation of the Chief of the Weather Bureau, as absolutely necessary for the proper performance of his work.

When he is absent on duty there is no one to take his place until you get down to the chief clerk. It was thought desirable that there should be an assistant chief, to be associated with the chief, and to be responsible for the work in the absence of the chief. I acknowledge that the clause is subject to a point of order.

The CHAIRMAN. Upon the statement of the gentleman from New York [Mr. WADSWORTH] the Chair sustains the point of order.

The Clerk read as follows:

All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for experiments in wireless telegraphy, including all necessary expenses; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including assistance and all necessary expenses, \$486,000.

Mr. CANNON. I move to amend by striking out the last word. I desire to ask the gentleman in charge of the bill how much of this \$486,000 and other appropriations is to be used in the Weather Bureau for crop and other statistics?

Mr. WADSWORTH. I can not tell the exact amount that is used for that purpose. These crop reporters receive, I believe, a very small sum from the Weather Bureau. They make their reports almost gratuitously; in some cases absolutely so.

Mr. CANNON. My reason for asking the question is that when we turn over to page 41 we find an appropriation for the statistics of the Statistical Division of the Agricultural Department.

Mr. WADSWORTH. I know what the gentleman is coming to.

Mr. CANNON. What I want to say is that it costs \$177,980 for "statistics in the Division of Statistics" in this Department, whereas the whole division of statistics in the Treasury Department costs, I believe, \$60,000, and the whole Department of Labor expends for this purpose only \$177,000. I believe that in undertaking to state the appropriation for the Division of Statistics I stated the amount too small. When all the items are put together, it will amount to more than I stated.

Now, what I want to know is this: In addition to this enormous sum for getting statistics in one division of the Agricultural department, how much is paid to the Weather Bureau division for duplicating those statistics? I think I am entitled to know this, because here is an appropriation of nearly half a million dollars in this one item, and I want to see to what extent two

divisions in a single department are doing the same work and how much money may be thrown away in that manner. I want to see whether there is not somewhere in Congress or in some department the power to prevent duplication of that kind.

Mr. WADSWORTH. Mr. Chairman, the subject to which the gentleman from Illinois [Mr. CANNON] refers had full consideration by the committee, and they heard the Secretary of Agriculture on that very point. I myself took the ground that that work could be done and done more economically by the Weather Bureau, and that there was no need of the Division of Statistics in the Department of Agriculture. Indeed, I think there is no need of the Bureau either in the office of the Secretary of the Treasury. The Bureau of Statistics of the Treasury Department and of the Agricultural Department ought to be transferred to the Census Bureau. That is where it properly belongs. But the Secretary of Agriculture told the committee very positively that he was not ready to make the transfer, that he had had it under consideration, and that the matter would be brought up and adjusted by the following year, and the matter was left in abeyance, in that shape, in deference to his wishes in the matter.

Mr. CANNON. Now, for the sake of argument, I will make a statement. I am accurate, I think, as to what the Division of Statistics in the Agricultural Department costs. It is nearly up to \$200,000.

Mr. WADSWORTH. One hundred and fifty thousand dollars.

Mr. CANNON. One hundred and fifty thousand dollars, the gentleman says, but he will find it something more. That is nearly three times what the statistics cost in the great Treasury Department. It is nearly as much as the whole Department of Labor costs, and that gathers statistics about everything, almost, and I undertake to say that I have no doubt that there is over \$100,000 expended in gathering statistics in the Weather Bureau and for their publication, which statistics duplicate the statistics gathered in the Division of Statistics in this Department, and that has been so for three or four years, and attention has been called to it time and time again, and yet in the name of the farmer we are to have this abuse going on, and when you call attention to it somebody gets up and opens his mouth and says that you are discriminating against the farmer. Now, I am a farmer and I represent farmers, and I want to say again that I am tired of that kind of thing. There is not a farmer that I represent, or, in my judgment, that anybody else represents, unless he wants to get into this Department, who has any patience with this duplication.

Mr. KLUTTZ. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. KLUTTZ. I will ask the gentleman if it is not true that the statistics and observations of the Weather Department are given to the public much earlier and more rapidly than those of the other department—given to them at once and at a time when they are of use?

Mr. CANNON. I think very likely it is true that the Weather Bureau Division does its work more promptly than the Statistical Division in the Agricultural Department. What I want to do is to cut out one or the other. Shall we cut out the Division of Statistics?

Mr. KLUTTZ. Of the two I would say yes.

Mr. CANNON. Well, they duplicate work, and what is the use of the duplication? And the Weather Bureau is first with the people, as I understand it. What possible excuse is there for it? I am acquainted with the Secretary of Agriculture, and I served in this House with him and esteemed him very highly; but let me tell you what I think—and that covers myself—there are a few laymen who may be in the public service who come in contact with the alleged scientists, who do not go to the wall when they come in contact with names that we do not understand, and there you have got it. I believe it would be wise to recommit this bill to the Committee on Agriculture with instructions to put in the pruning knife and cut out one or the other of these useless divisions. I do not mean that it is useless so far as the information is concerned. That is good, but it is worse than useless when you come to duplicate it.

Mr. GARDNER of New Jersey. Is it not true that the statistics gathered by the Weather Bureau are those that are immediately given to the public and published over the country, as to the condition of the crops in consequence of the weather, and all that? As I understand it, the work is not duplicated in a sense. That is to say, the weather observer here, there, and yonder gives every other local weather observer the condition of the climate, rainfall, state of crops, and all that sort of thing and reports it. The country gets that through the Associated Press at once for whatever it is worth, whereas if it went to the statistical department of the Agricultural Department you would get it next year.

Mr. CANNON. Now, my information from experts is that this work is duplicated and that the valuable part of it is done by the Weather Bureau, and that with very slight additional expense

it could do promptly all that the Division of Statistics does, and that there would be a great saving of money, and then we would have this scandal disappear from one small department by having these expenditures do double work.

Mr. WADSWORTH. Mr. Chairman, I simply want to repeat, as one member of the committee, that I was heartily in favor of it, as some other members were also, and I simply wish to say that in deference to the judgment of the Secretary of Agriculture—it being a mere question of administration in his Department—we did not wish to go directly contrary to his wishes.

Mr. CANNON. Now, we have waited for him four years. In the name of all that is good how much longer have we to wait?

Mr. WADSWORTH. The gentleman must ask the Secretary of Agriculture.

Mr. CANNON. Then I will move to strike out the Division of Statistics when we reach it and test the sense of the House in regard to it.

Mr. GAINES of Tennessee. Will the gentleman from Illinois tell us whether or not this information in the two bureaus is given out simultaneously?

Mr. CANNON. I do not understand it so. I understand the Weather Bureau is first.

Mr. GAINES of Tennessee. That is every day, as I understand it.

Mr. CANNON. Oh, and every week and every month.

Mr. GAINES of Tennessee. Is it not every day?

Mr. CANNON. I think so, as to some things.

Mr. GAINES of Tennessee. I am inclined to believe with the gentleman from Illinois, but I want to get at whether the facts are published simultaneously. The gentleman says they are not. Then the statistics that come from the other part of the Weather Bureau or the other part of the Department are published later on, and possibly, as the gentleman from New Jersey [Mr. GARDNER] says, the next year, so Congress and the people would not get these statistics, if that be true, until next year, if your amendment obtains.

Mr. WADSWORTH. I want to correct a statement that I made to the gentleman from Illinois [Mr. CANNON]. I stated to him that I thought the climate and crop reporters of the Weather Bureau received a small compensation. It seems that they do not receive any, except in the way of receiving the Weather Bureau Reports.

Mr. GAINES of Tennessee. Will the gentleman enlighten us on the proposition as to when these statistics go out from the two branches of the Bureau? Which goes out first in point of time?

Mr. WADSWORTH. The Weather Bureau reports naturally would go out first.

Mr. GAINES of Tennessee. When do the other statistics go out? When are they distributed among the people?

Mr. WADSWORTH. The crop reports are distributed and announced once a month by the Division of Statistics.

Mr. GAINES of Tennessee. How?

Mr. WADSWORTH. By publication by the Secretary of Agriculture.

Mr. GAINES of Tennessee. They are published by the Department and distributed through members of Congress?

Mr. WADSWORTH. Yes; but they are also sent out by the Department, and the information goes out to the country through the press.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word. Will the gentleman explain now exactly how this very vital information is published?

Mr. WADSWORTH. I stated to the gentleman that the Statistical Division issued its reports once a month.

Mr. GAINES of Tennessee. Distributed how?

Mr. WADSWORTH. They are given out for publication by the Department. The report of the Weather Bureau in regard to weather comes out and is distributed all over the country, every day.

Mr. GAINES of Tennessee. How?

Mr. WADSWORTH. By these cards that you see everywhere, and in the newspapers and by telegraph.

Mr. GAINES of Tennessee. And the other is sent through the mail?

Mr. KLUTZ. I move to strike out the last two words.

With every deference for the opinion of the distinguished gentleman from Illinois [Mr. CANNON], I hope his amendment will not prevail. There may be duplication in this work, but just at this time I agree with the Secretary of Agriculture, who, I want to say, is the best that this country has ever had, that this is not the proper time to make a change. We have just made the Census Bureau a permanent one. We are just about, I hope, to establish a new department of labor and commerce, where all these matters of statistics can be consolidated and put in the proper place and be given to the public in the proper way. I think it

would be premature now to strike out this section or any part of it, and thus cripple the work of statistics. I want to call attention, too, to the fact that in this section there are a great number of matters which do not come within the province of the Weather Bureau, and if this section were stricken out or emasculated or the appropriation for the same cut down they would be seriously crippled.

I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. WADSWORTH. Now, I ask unanimous consent to return to page 5, line 14, to correct the total. It should be \$165,260. It is simply the correction of the total, owing to the striking out on a point of order of one assistant chief of bureau at \$3,000.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

For maintaining the Weather Bureau stations already established by the Secretary of Agriculture, or to be established by the Secretary of Agriculture, in Bermuda, in the West Indies, or on adjacent coasts, and for establishing and equipping meteorological stations in the Hawaiian Islands for taking daily observations of meteorological phenomena; for collecting reports thereof by cable and otherwise; for disseminating information based thereon of the approach of tropical hurricanes and other storms; and for collecting and publishing such climatological data as may be of public benefit, including salaries of 1 professor of meteorology, at not exceeding \$3,000; 1 forecast official, at not exceeding \$2,000; section directors, observers, and other necessary employees (all for duty at the places named in this act or at such points in the United States as the exigencies of the weather service may require); rent of offices, stationery, furniture, and instrumental supplies; traveling expenses; freight and express charges; cablegrams and telegrams; and all other necessary expenses, \$50,000.

Mr. JONES of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After the word "islands," line 20, page 7, insert the words "and if practicable in the Aleutian Islands."

Mr. WADSWORTH. Mr. Chairman, I have an amendment to that amendment that I would like to have inserted. After the words "if practicable" insert the words "and useful."

Mr. CANNON. I want to make the point of order before it is too late.

Mr. WADSWORTH. It is subject to a point of order.

The CHAIRMAN. Does the gentleman from Washington accept the amendment of the gentleman from New York? The Clerk will state the gentleman's amendment, as it will be amended.

The Clerk read as follows:

Insert after the word "islands," in line 20, "and if practicable and useful in the Aleutian Islands."

Mr. CANNON. Well, now, to both amendments I make the point of order, and the gentleman from New York acknowledges it. It seems to me that that disposes of it.

Mr. WADSWORTH. It is new legislation, and it increases the expense practically.

Mr. CANNON. Precisely.

The CHAIRMAN. Does the gentleman from New York acknowledge it is new legislation?

Mr. CANNON. I make the point of order that this appropriation is to establish by the Secretary of Agriculture in the Aleutian Islands meteorological stations, and to equip them and so on. Now, then, for these new establishments it may or may not be necessary to buy a site on which to construct a building. It is not authorized by law. It is like unto a public building or lighthouse; it is like unto a great many other things that have to be authorized by law before the appropriation is in order upon a general appropriation bill. Now, there is no legislation that authorizes it, and, therefore, whether it is proper or not—I will not discuss the propriety of it—there being no legislation, I make the point of order, and it is so perfectly plain that the gentleman from New York has no doubt about it.

Mr. JONES of Washington. It seems that this amendment is right in line with the provision of the section here to which this amendment is offered. It provides for the establishment and equipment of meteorological stations in the Hawaiian Islands. Now, if that is in order, it seems to me that this amendment would also be in order. It is right in line with the object of this section of the bill.

Mr. HENRY of Connecticut. A parliamentary inquiry. Has the section been read and is it subject to amendment?

The CHAIRMAN. The section has been read.

Mr. CANNON. Well, this is the current law from line 16 down to line 10, on page 8.

The CHAIRMAN. Does the gentleman from Illinois make the point of order against the section? The Chair has not fully comprehended the point of order made by the gentleman.

Mr. CANNON. No. I doubt if the section is subject to the point of order, because a year ago and the year before that these words were in the law. Now, this is for the extension of this



service; it is for the establishing of new stations. I will say to the Chair it is like unto the case of the Light-House Service, and yet the rule is well understood and it has always been that it is not in order on a general appropriation bill to move to build a light-house until the legislation establishing the light-house has been enacted.

Mr. JONES of Washington. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. JONES of Washington. This provision is in the bill, "and for establishing and equipping meteorological stations in the Hawaiian Islands."

Mr. CANNON. Yes; and that has been there for two years.

Mr. JONES of Washington. And my amendment is to that portion of the bill.

Mr. CANNON. Precisely.

Mr. JONES of Washington. That really under the fact is subject to the point of order because no general legislation has been enacted providing for it, but no point of order is made against that.

Mr. CANNON. Very well. If it is subject to the point of order, it is in the power of the gentleman to make it.

Mr. JONES of Washington. I do not desire to make it.

Mr. CANNON. But it would appear to me that it was not subject to the point of order because this provision has been in the appropriation bill a year ago and two years ago.

Mr. WADSWORTH. Three years. Ever since the Spanish war.

Mr. CANNON. Whether subject to the point of order or not, it is perfectly patent that any provision that now appears for the first time that would render necessary the acquisition of a site and the construction of a building, and so on, is subject to a point of order.

The CHAIRMAN. Let the Chair understand the gentleman from Illinois. He does not make the point of order against establishing the stations in the Hawaiian Islands?

Mr. CANNON. No.

The CHAIRMAN. There was an amendment offered and an amendment to that relating to the Aleutian Islands.

Mr. CANNON. Precisely.

The CHAIRMAN. Then the Chair will rule.

Mr. JONES of Washington. May I suggest this, Mr. Chairman. The gentleman says that this clause, "and for establishing and equipping meteorological stations in the Hawaiian Islands" has been in the last two appropriation bills. Now, I understand it to be a fact that this does not make it legislation, and it would still be subject to the point of order that no original law provided for it. Now, then, the point of order was not made to it, and any amendment can be offered to it that is germane, and that certainly would be in order.

The CHAIRMAN. Any amendment that is germane would be in order; but is it necessarily germane to establish a station on the Aleutian Islands?

Mr. JONES of Washington. To establish a meteorological station would certainly be germane to the provision in the bill.

The CHAIRMAN. If it was for a continuation of a public work, it might be germane. The Chair thinks the amendment offered by the gentleman from Washington is subject to the point of order made by the gentleman from Illinois; and sustains the point of order.

The Clerk read as follows:

For the purchase of sites and the erection of not less than six buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations, \$50,000.

Mr. CANNON. Mr. Chairman, to that portion of the paragraph, lines 11 to 18 inclusive, I make the point of order that they are new items, not authorized by any legislation, not in order under Rule XXI on a general appropriation bill. "For the purchase of sites and the erection of not less than six buildings for use as Weather Bureau observatories." Why, it is just like a public buildings bill in the sundry civil bill. It would not be contended for a moment that it would be in order to insert an item for the purchase of sites for six public buildings. It is precisely on all fours, no law to authorize it, and under the rule as universally applied upon all bills, in the absence of legislation establishing the observatories and authorizing the purchase of sites on a general appropriation bill, it is not in order because it is legislation as well as appropriations.

Mr. WADSWORTH. Mr. Chairman, the law under which the Weather Bureau was first established in 1891 contains this item:

It shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau, which shall be hereafter specially developed and extended in the interests of agriculture.

Under that clause, according to the law under which the Weather Bureau was originally established, the weather stations of the Bureau have been built. The Bureau of last year contained these items for the purchase of a site and the erection of small brick and wood buildings at each of the following-named places for the use of the Weather Bureau: Atlantic City, N. J.; Hatteras, N. C.; Fort Canby, Wash.; Port Crescent, Wash.; Tatoosh Island, Wash., and Port Reyes, Cal.

All I can say is that if it is subject to a point of order this year, it has never been made subject to a point of order heretofore. Under that clause in the law we have reported all the improvements in the Weather Bureau which have been going on for the last ten or twelve years. I insist that the law as just quoted gives the Weather Bureau the authority to do this work in the interest of agriculture.

Mr. CANNON. Mr. Chairman, they have the same authority that every other department has, namely, to recommend to Congress and to submit items; the same authority as has the Post-Office Department, the Treasury Department, and all of them. Now, the gentleman says that last year an appropriation like this went through.

Mr. WADSWORTH. Yes; and the year before, and the year before that, and for the last seven or eight years.

Mr. CANNON. For the last seven or eight years! For the sake of the argument, admitted; they went on because nobody rose in his place and made the point of order. Practice without objection can not be invoked to do away with the law and the rule. I will say to the gentleman frankly I did not make the point of order because I expect I did not notice it, and in the first instance I would not have made it because the abuse that has grown up in this Department had not then developed itself. Now, that it has developed, it is not only my privilege but my duty to say to the gentleman that if the point of order will stop this matter under the rules of the House, I think it is my duty to make it.

Mr. WADSWORTH. The gentleman does not think this is an abuse; it is in line with the improvement of the Weather Bureau Service as it has gone on for years in the past. I do not see how the Weather Bureau can meet the necessities of the country in any other way.

Mr. OLMSTED. Mr. Chairman, without expressing any opinion on the point of order, I would like to ask the gentleman from Illinois if there is any difference in principle between continuing the equipment of the Weather Bureau in this way and the growing up of the Fish Commission under appropriations in bills which he annually reports without any more authority than there is for this item.

I want to call attention to the ruling made in the last Congress by the gentleman from Illinois [Mr. HOPKINS] in the Chair upon the argument of the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, that there might be increased continuing appropriations for the Fish Commission under authority of law no stronger, it seems to me, than there is for this item under discussion.

Mr. CANNON. I recollect the ruling very well, and it was perfectly proper; but the gentleman fails to see the point. That was not where a fish station was authorized. On the contrary, the gentleman will recollect that he himself offered the amendment to build a fish-culture station, and I made the point of order against it, and it was sustained by the Chair on the ground that a purchase of the site and construction of the station must first be authorized by legislation, and then when once authorized appropriations would follow. This is on all fours; it is a proposition to purchase sites and to build observatories where none now exist. If this is in order, then it is in order on general appropriation bills without legislation to construct a public building at every crossroads in the country.

Mr. WADSWORTH. Mr. Chairman, I want to call attention to the fact that the bill last year contained almost identical appropriations at different points. It provided for the purchase and laying of a cable between the mainland and Tatoosh Island, and for general repairs to telegraph lines from Port Crescent to Tatoosh Island, Washington, including all necessary labor, materials, and other expenses.

The CHAIRMAN. The Chair has read the statute upon which the gentleman from New York bases the claim that the committee has authority to report in this bill appropriations of this kind. It seems to the Chair that section 9 of that statute simply directs what shall be the duty of the Bureau in a certain contingency. The Chair does not think the statute was intended to ever confer the power upon the Committee on Agriculture to include in an appropriation bill an appropriation authorizing the Department to purchase sites and erect buildings.

The object of an appropriation bill is to make appropriations for certain specific objects where laws recognizing the necessity and conferring the power to make them already exists. It has

been held that the enlargement or continuation of a work previously authorized by law is permissible upon an appropriation bill and is not subject to a point of order.

But the Chair has not had his attention called to any ruling by which it has been held that under the exceptional clause of the rule it is legitimate or proper to authorize the purchase of a new site and the erection of a building thereon. On the other hand it has been held distinctly that the erection of a laboratory building for the Department of Agriculture was not to be regarded as a continuation of a public work already in progress and that an appropriation for that purpose was subject to a point of order. The purchase of an adjoining building for a hospital already established was held to be such a continuation of a public work as came within the exception to the rule. But there is nothing of that sort here. And it has also been held that an appropriation undertaking to authorize the purchase of land was, under this language of the rule, subject to a point of order, where the land proposed to be purchased was separate and distinct from other land owned by the Government.

The Chair is therefore inclined to adopt the view of the gentleman from Illinois [Mr. CANNON] that this provision is distinctly legislation upon an appropriation bill; that the wisdom or unwisdom of establishing these sites and erecting buildings thereon—the decision of the question of their necessity or the contrary—is a matter to be determined on a proper bill, considered properly under the rules, and coming from a proper committee. Therefore the Chair holds that this provision upon this, a general appropriation bill, is subject to the point of order made by the gentleman from Illinois [Mr. CANNON], and the point of order made by the gentleman from Illinois is sustained.

Mr. WADSWORTH. I ask unanimous consent that the Clerk be authorized to correct the totals of this paragraph.

There was no objection.

The Clerk read the next paragraph of the bill, including the following:

To purchase, establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary.

Mr. CANNON. I desire to make a point of order on the words "purchase, establish," in line 12, page 12. If the point of order should be sustained, the language would read:

"To improve and maintain quarantine stations," etc.

I submit that the authority to "purchase and establish," which would be carried by the words on which I raise my point of order, is legislation. This question involves the same principle as that decided on the previous point of order.

Mr. WADSWORTH. In the act of last year this item was carried as a separate clause:

Animal quarantine stations: To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, \$25,000.

In this provision is found authority for the language now under consideration, which I claim provides merely for the continuation of a work already begun by authority of law.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. WADSWORTH] what constitutes a "quarantine station?"

Mr. WADSWORTH. A piece of ground with suitable buildings and properly fenced in, to exclude all animals not intended to be domiciled there, so that no animals from the outside can come in contact with those thus fenced in. The grounds and buildings thus used may be either purchased or rented. I have read the clause contained in the bill of last year, in which authority was given to purchase.

Mr. CANNON. That was a mere appropriation—not legislation at all. The language now under consideration does not apply to anything that may have been purchased under that appropriation. What I propose to accomplish by striking out the words I have designated upon the point of order is to prevent legislation for the purchase and establishment of new quarantine stations. The language on which I have raised my point of order is, I insist, legislation, and is not in order on this bill.

Mr. WADSWORTH. Does not the gentleman think it is a continuation of the work of the bureau as already established?

Mr. CANNON. Oh, no; no more than the building of a new custom-house is continuing the work of the customs service, or the building of a new post-office the continuation of the Post-Office Department.

Mr. WADSWORTH. Well, Mr. Chairman, I have read the only authority I have—the clause contained in the bill of last year. These things have always been provided for in this way. If the provision of this bill is subject to a point of order, the committee, of course, will have to submit; but I think the provision in question is simply a continuation of the work of the bureau as already established, and is in order under the clause of last year's bill as I have read it.

The CHAIRMAN. The Chair will say to the gentleman from New York that under the ruling made a few moments ago the Chair believes it would hardly be competent to authorize the purchase of ground for a new station; but the establishment of such a station on land already owned by the Government, might, it seems to the Chair, be in order.

Mr. CANNON. Well, I will make it against each one separately.

The CHAIRMAN. The Chair sustains the point of order as to the word "purchase," and will not sustain it as to the other word.

Mr. WADSWORTH. Do I understand that the Chair sustains the point of order in regard to the word "purchase?"

The CHAIRMAN. Yes, sir.

Mr. CANNON. Then, Mr. Chairman, I make the point of order upon the words "two thousand five hundred," at the end of line 1 and the beginning of line 2, on page 10. The salary of the zoologist as fixed heretofore is \$2,250.

Mr. WADSWORTH. Mr. Chairman, I would simply say in answer to the gentleman from Illinois that it is subject to the point of order, but the committee had stated in its report that it increased the salaries of some of the scientific corps because after careful inquiry they were convinced that the salaries of those gentlemen were not equal to the salaries paid by educational institutions throughout the country nor by foreign governments, and that they were entitled to a little increase, and we granted it. We have not granted nearly as much as the Secretary of Agriculture recommended, however.

The CHAIRMAN. Upon the statement of the gentleman from New York the Chair rules the point of order is well taken.

Mr. WADSWORTH. I think, however, Mr. Chairman, that these scientists should be treated alike, and therefore I myself will raise the point of order on the salary of the Chief of that Bureau. I think he is one of the most capable servants in the employ of the Government. The Bureau of Animal Industry deals with all the export meats of this country, and Dr. Salmon, who is at the head of it, I think is one of the most worthy men in that Department. He has drawn a salary of \$4,000 for years, and has never himself asked for an increase. An increase to five thousand was suggested by the Secretary of Agriculture, but the committee did not take his suggestion, increasing the salary only \$500. I think it is only fair that the scientists, chiefs of bureaus, should be all treated alike, though I regret it exceedingly.

Mr. CANNON. I think this apology of the gentleman ought to be accepted. He makes the point of order, and for one I am in favor of accepting his apology.

Mr. WADSWORTH. I do not think it is treating these other gentlemen fairly, Mr. Chairman.

Mr. HASKINS. Mr. Chairman, was not this bill to be read and acted upon by paragraphs?

The CHAIRMAN. By paragraphs.

Mr. HASKINS. And, after the close of the reading of a paragraph, and no objection or point of order being made, and the Clerk having passed to the reading of another, can the gentleman then go back and raise the point of order upon a paragraph that has been passed over?

The CHAIRMAN. Not if we have passed it and gone on to the reading of the next one.

Mr. HASKINS. Very well; we have passed it and gone on to the next paragraph before this point of order was made.

Mr. CANNON. Oh, no.

Mr. HASKINS. Yes.

Mr. CANNON. It is all in one paragraph.

The CHAIRMAN. The Chair will state that the gentleman's objection to raising points of order comes too late.

Mr. CANNON. Mr. Chairman, this is all one paragraph, from line 6 on page 9 down to line 4 on page 14; it is all one paragraph.

Mr. HASKINS. The first paragraph closes with line 23 on page 10. The next subject-matter is general expenses of the Bureau of Animal Industry, and the first paragraph has relation to salaries alone.

Mr. CANNON. Well, it is just a question of fact. I think it is all one paragraph beyond question, and the Chair will have to decide between us.

The CHAIRMAN. I would like to ask the gentleman from Illinois a question. The gentleman makes the point of order against the salary. How much should it be?

Mr. CANNON. I think it all goes out on the point of order.

Mr. WADSWORTH. Oh, no; only the increase. It is a statutory office.

Mr. CANNON. The gentleman can move to insert in there the proper amount, if he desires to.

Mr. WADSWORTH. The point of order does not lie against the statutory office. The position is statutory. The gentleman from Illinois simply raised the point of order against the increase.

The CHAIRMAN. The point of order was raised against the



salary. The Chair will have to rule that the point of order being sustained, it took the whole matter out of the bill, and it would have to be put back by amendment.

Mr. WADSWORTH. Then at this point, Mr. Chairman, I ask unanimous consent to reinsert it at \$2,250.

Mr. CANNON. I have no objection to that.

The CHAIRMAN. The gentleman from New York asks unanimous consent to reinsert the part stricken out at \$2,250. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Now, Mr. Chairman, to turn back to the salary of the chief of the Bureau, which is raised from \$4,000 to \$4,500, I feel very much inclined to withdraw my point of order, I have so high a regard and so much respect for the gentleman who occupies that position. My only reason for raising the point of order was that I did not think it was quite fair that some of the scientists chiefs of bureaus should be raised and not the others. The committee considered the whole thing together and made that recommendation to the House. I ask unanimous consent to withdraw the point of order, at least temporarily.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his point of order. Is there objection? There was no objection.

Mr. CANNON. I move to strike out, in lines 4 and 5 of page 12, the words "in the city of Washington or."

The Clerk read as follows:

On page 12, lines 4 and 5, strike out "in the city of Washington or."

Mr. OLMSTED. Mr. Chairman, I would suggest to the gentleman from Illinois that the paragraph will not make sense with that amendment. That would leave them authorized to employ as many persons "elsewhere" as they saw fit.

Mr. CANNON. I have no objection to including the word "elsewhere," although I think the amendment would be good without it.

The CHAIRMAN. The gentleman includes the word "elsewhere" in his amendment.

Mr. CANNON. The object of this motion, Mr. Chairman, is not to embarrass the Agricultural Department in the slightest degree. As I said half an hour ago, we pick up on this bill \$103,000 worth of employees and appropriate for them specifically—clerks in the Department right here in Washington. Now, they had heretofore been paid from lump sums. It is very proper to pick them up, because that is the way that business is carried on in the District of Columbia, in the departments, and there is a general law that says no one shall be employed in the departments in the District of Columbia unless specially appropriated for or authorized.

Now, as we pick up this \$100,000 worth of employees, they do not need this for the coming year. If you make this amendment it lets this appropriation go to the service everywhere outside of Washington wherever it is needed, for inspectors and everything; but for the coming year it will not let them use these general lump-sum appropriations of \$2,000,000 in whole or in part in employing additional clerks in the Department here in Washington. It puts that Department precisely as every other department is.

Mr. WADSWORTH. Mr. Chairman, I call the attention of the committee to the language of the act on page 11:

And the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another.

And so forth. The object is simply to give the Secretary that latitude which he thinks necessary for the proper discharge of the duties of the position.

Mr. CANNON. That is the very point. My object is to give the Secretary discretion also. I want to accomplish everything that the gentleman wants. It is a worthy appropriation, and a good one; but now that we pick up the \$103,000 worth of employees, clerks down here in the Department, I do not want them to take this lump sum and employ more clerks there.

Mr. WADSWORTH. That you must leave to the discretion of the Secretary of Agriculture. He must certainly have some discretion in the management of the details of his work.

Mr. CANNON. He has every discretion.

Mr. WADSWORTH. In emergencies, on the outbreak of contagious diseases in the country, he must have full power to act in accordance with his best judgment.

Mr. CANNON. Precisely.

Mr. WADSWORTH. If he wants to employ men here or elsewhere he must have that authority, and I can see no good reason why the present Secretary of Agriculture should not have that discretion. We have got to trust somebody in this world.

Mr. CANNON. You do not let the Secretary of the Treasury have that discretion.

Mr. WADSWORTH. That may be so.

Mr. CANNON. Or the Secretary of War, or the Secretary of the Interior, and you might employ 10,000 clerks from this lump sum, if you had money enough, and set them to writing down here in the Department, and that would not discover or cure any glanders or sheep scab.

Mr. WADSWORTH. Will the gentleman state whether he thinks the Secretary of Agriculture has abused the power which he has had under this clause of the law?

Mr. CANNON. I want to say right here and now that I have no attack to make upon the Secretary of Agriculture. He is a very worthy man, but by the terms of this bill, as the practice has grown up, and with some of the scientists by whom he is surrounded duplicating work, he might be compared in this service to a cat in the hot place without claws. [Laughter.] And whether he is the best man that ever lived or the poorest man, I want to put that Department here in the city of Washington upon all fours with every other department. And I turn to the gentleman now and ask him if a single additional clerk in that Department is necessary for next year? If so, move an amendment and put it in. What I object to is putting in \$2,000,000 in this general provision to employ clerks in the discretion of anybody.

Mr. WADSWORTH. Two million dollars.

Mr. CANNON. In the aggregate.

Mr. WADSWORTH. It is not in the aggregate.

Mr. CANNON. In all the bill.

Mr. WADSWORTH. The aggregate for the Bureau is only \$1,247,000.

Mr. CANNON. In your bill. This provision runs through all these lump-sum appropriations.

Mr. WADSWORTH. You can not put the Agricultural Department on all fours with any other department. Its work is all over the country, scattered from California to Maine, and from Canada to the Gulf States. I think the gentleman is entirely mistaken in saying that the Secretary should not have this leeway. He has never abused it, not to my knowledge. He must have some discretion in the management of the details of his Department.

Mr. CANNON. Undoubtedly. I do not interfere with that discretion. But I will say to the gentleman that without my amendment the gentleman, or any other gentleman, under stress of occasion, could go down to the Secretary and say, "I want your two clerks." "Oh," he says, "I do not need them." You say, "You have got the money, and you can put them on if you want to." Now, that is something that you can not do with any other department.

Mr. WADSWORTH. For this employment?

Mr. CANNON. I want him to have the discretion about disease and to carry on his Department everywhere outside of Washington; and we have given him all the sums he wants.

Mr. OLMSTED. Will the gentleman yield for a suggestion?

Mr. CANNON. Certainly.

Mr. OLMSTED. Is it your idea to exclude the employment of persons in Washington?

Mr. CANNON. Unless under specific appropriations.

Mr. OLMSTED. Now, this authorizes him to employ as many persons in the city of Washington and elsewhere as he may deem necessary. If you simply strike out "city of Washington and elsewhere," do you not leave him the discretion to use them wherever he pleases?

Mr. CANNON. I think not; but if the gentleman thinks it subject to that construction, I will modify my amendment.

Mr. WILLIAMS of Mississippi. If the gentleman will strike out the words "in the city of Washington," and then after the words "or elsewhere" insert "than in the city of Washington, as he may deem necessary," he will get what he wants.

Mr. CANNON. I will accept the suggestion, and modify the amendment in that way.

The CHAIRMAN. The gentleman will send up the modification of his amendment, so that the Clerk may make it.

Mr. CANNON. I will send it up.

The Clerk read as follows:

Strike out the words "in the city of Washington or" and insert, after the word "elsewhere," "than in the city of Washington."

Mr. CANNON. That is right.

Mr. SCOTT. A parliamentary inquiry. I should be glad to ask the gentleman whether this amendment, in his judgment, would preclude the Secretary of Agriculture from employing emergency assistants in the District of Columbia?

Mr. CANNON. Now; yes.

Mr. SCOTT. It would exclude him for their employment now?

Mr. CANNON. For the next year.

Mr. SCOTT. My understanding is that there is an abattoir

within the District of Columbia, outside of the city of Washington, where emergency inspections are likely to call for the services of the Department at any time.

Mr. CANNON. It does not interfere with that at all.

Mr. SCOTT. The gentleman's former answer to my question was that they could not be employed in the District outside of the city of Washington.

Mr. CANNON. I may not have understood the gentleman to say the District, but it would not interfere with the employment the gentleman has referred to, in my judgment.

Mr. SCOTT. Not interfere with the employment of men in the District of Columbia? I understood the gentleman from Illinois a few moments ago to say that there was a general law upon the statute books prohibiting the employment of anyone in the District of Columbia if a specific appropriation was not made. Now, if that understanding of the law is correct this amendment certainly, if enacted, will preclude the Secretary of Agriculture from employing anybody in the District of Columbia outside of the city.

Mr. CANNON. There is a specific appropriation for the employment of a veterinarian at \$1,600 and two veterinarians at \$1,400.

Mr. SCOTT. The gentleman thinks it will not interfere so far as concerns an emergency?

Mr. CANNON. In my judgment, outside the city of Washington and within the District this amendment does not interfere. That is my judgment about it. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois as modified.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, yeas 40.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I make the point of order upon the following words: Line 24, page 13, "Provided further, Not to exceed \$10,000 of the amount hereby appropriated may be used for the purchase of additional land for Bureau of Experimental Stations."

Mr. WADSWORTH. That is subject to a point of order, Mr. Chairman, in the line of the previous rulings of the Chair.

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order that this is not subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from New York if there is already a bureau established there where it is intended to purchase the land, and if the land lies adjacent to the station, and is necessary?

Mr. WADSWORTH. It is for the purchase of additional land to the station that is already established at Bethesda, Md.

Mr. CANNON. If they are authorized to do that under this appropriation without legislation, why do you put in the legislation? There is nothing here to show that it is adjacent, either.

Mr. LOUD. Mr. Chairman, the Chair has already ruled in two instances that appropriations to buy a piece of land would be subject to a point of order.

The CHAIRMAN. The gentleman from California is mistaken; the Chair has not so ruled.

Mr. LOUD. I think the Chair has determined that appropriations to purchase a piece of land would be subject to a point of order. Am I mistaken in that?

The CHAIRMAN. The gentleman from California is not correct if he means in all cases. The Chair has not ruled that appropriations to purchase a piece of land would necessarily be subject to a point of order. The Chair has ruled that where it is proposed to purchase a plot of ground separate and distinct from any that the Government now owns and to establish a new station, it is subject to a point of order; but where it is to purchase land adjacent to something the Government now owns, and which is necessary for the continuation of the work, the Chair has not so ruled.

Mr. LOUD. I think I understood the ruling of the Chair, and the Chair and I will not disagree, although I may not put it in precisely the same words that the Chair has. I do hope—although I have no interest in this matter one way or the other—I hope the Chair will not be led to rule that you can not purchase a new piece of land, and yet you can purchase an additional piece of land. I hope the Chair will look at the question, because whether it is right or wrong goes way beyond the feelings of any individual member.

Now, the Government may own a piece of land here, but the purchase of a piece of land adjacent to it, to my mind, would be as clearly subject to a point of order as it would to purchase a new piece. Otherwise you might continue the purchase of land from the city of Washington down the Potomac River to Newport News, if you made it a continuous purchase.

Of course I understand what rulings may be put before the

Chair—that this land is purchased as necessary to carry out an object already in process. I hope the Chair can see the distinction between the purchase of a new piece of land and the purchase of material or the employment of labor, or of the many other necessary things that would be necessary to purchase to carry out a work upon a piece of land already purchased. I hope the Chair will look at the question properly, because it goes beyond the measure before us now and will establish a precedent that will permit—on the Post-Office appropriation bill, if you please, where the Government may have a public building in a city—the purchase of a thousand acres adjacent to that. That is a radical supposition I know, and yet if it can purchase one foot additional, then it can purchase a thousand acres, if there be a thousand acres in that city, and the committee would be perfectly justified in reporting upon any appropriation bill a provision to purchase any amount of land that it might think necessary, because it already had a piece of land in that city.

Why, Mr. Chairman, what is the necessity for the public-building bill that you are about bringing in here? None whatever, to my mind, if we can put them on any appropriation bill we see fit. It is simply to purchase new pieces of land, some adjoining and some not adjoining, and what would be the distinction whether there was 1 or 2 feet between the piece of land that the Government now owns and that which it desires to purchase, or no distance if it was desired? It is a question of great and vital importance to my mind for the future of this House.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it seems to me that just what the gentleman from California says that he hopes the Chair will not rule is a very well-expressed idea of what the Chair ought to rule, to wit, buying land for an entirely new project, like buying land to put up an additional building, buying land to add to an experimental station which is necessary for the proper continuance of the Government work which is to be done upon a farm for the improvement of the work there being done, ought to be in order. This is necessary for the progress of the work which is already instituted and established by existing law.

The CHAIRMAN. The Chair will say that this is not a new question. It has been ruled upon before. There are precedents where it has been held that the purchase and establishment of a distinct station where the Government has not one now is clearly subject to a point of order, but where it is necessary to purchase additional land that you may utilize and properly use a station that the Government has for any purpose it has been held that an appropriation of money to do that is not subject to a point of order.

The Chair has two cases before him. The purchase of adjoining land for a hospital already established was held to be a continuation of a public work and not subject to a point of order, while an amendment for acquiring a new site was ruled out.

The enlargement of the land and water rights of a fish-culture station was held to be a continuation of a public work and an appropriation for the same not subject to a point of order. The Chair thinks that that distinction has been maintained in the long line of precedents, and even the persuasive reasoning of the gentleman from California will not induce the Chair to go contrary to them and try to establish a new order of precedents.

Mr. LOUD. Mr. Chairman, I am familiar with all of those rulings, but I have always held that the rulings were wrong. [Laughter.] I was in hopes the Chair would see it in that way.

The CHAIRMAN. If it were an entirely new question, the Chair perhaps might see it that way, but in view of this distinction, well defined in many cases, the Chair thinks it will follow the precedents and overrule the point of order.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. CROOK, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 26, 1902:

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States.

On April 28, 1902:

H. R. 10847. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 2919. An act granting a pension to Christiana Steiger;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 12101. An act granting a pension to William F. Gray;

H. R. 6111. An act granting an increase of pension to Theodore F. Collins;



H. R. 1326. An act granting an increase of pension to Thomas Thatcher;  
 H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;  
 H. R. 1486. An act granting an increase of pension to Charles A. Perkins;  
 H. R. 1636. An act granting an increase of pension to James Austin;  
 H. R. 2113. An act granting an increase of pension to Mary J. Clark;  
 H. R. 2241. An act granting an increase of pension to Dorothy S. White;  
 H. R. 2600. An act granting an increase of pension to Richmond L. Booker;  
 H. R. 2981. An act granting an increase of pension to Thomas Findley;  
 H. R. 2994. An act granting an increase of pension to Eliza J. Noble;  
 H. R. 3264. An act granting an increase of pension to William B. Matney;  
 H. R. 5258. An act granting an increase of pension to William Eastin;  
 H. R. 5695. An act granting an increase of pension to John M. Seydel;  
 H. R. 5910. An act granting an increase of pension to Reuben Wellman;  
 H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;  
 H. R. 6081. An act granting an increase of pension to Frances T. Anderson;  
 H. R. 6805. An act granting an increase of pension to Robert E. Stephens;  
 H. R. 6895. An act granting an increase of pension to Richard P. Nichuals;  
 H. R. 7369. An act granting an increase of pension to Perry H. Alexander;  
 H. R. 8782. An act granting an increase of pension to Myron C. Burnside;  
 H. R. 9415. An act granting an increase of pension to James Matthews;  
 H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;  
 H. R. 9986. An act granting an increase of pension to James Moore;  
 H. R. 9999. An act granting an increase of pension to George W. Guinn;  
 H. R. 10230. An act granting an increase of pension to Harrison C. Vore;  
 H. R. 10841. An act granting an increase of pension to Margaret Hoefer;  
 H. R. 11314. An act granting an increase of pension to Mary E. Pettit;  
 H. R. 11578. An act granting an increase of pension to John Gaston;  
 H. R. 11782. An act granting an increase of pension to Allen Hockenbury;  
 H. R. 11924. An act granting an increase of pension to Lewis H. Delony;  
 H. R. 12136. An act granting an increase of pension to Stephen May; and  
 H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.  
 The Clerk read as follows:

#### BUREAU OF PLANT INDUSTRY.

Bureau of Plant Industry, salaries: One plant physiologist and pathologist, who shall be Chief of Bureau, \$3,500; 1 plant physiologist and pathologist, who shall be Chief of Bureau in absence of Chief, \$2,500; 1 botanist, \$2,500; 1 pomologist, \$2,500; 1 agrostologist, \$2,500; 1 assistant pathologist, \$1,800; 1 assistant botanist, \$1,800; 1 assistant pomologist, \$1,800; 1 assistant agrostologist, \$1,800; 1 chief clerk, \$1,800; 4 clerks class 3, \$6,400; 9 clerks class 2, \$12,600; 9 clerks class 1, \$10,800; 6 clerks, at \$1,000 each, \$6,000; 2 clerks, at \$900 each, \$1,800; 2 clerks, at \$840 each, \$1,680; in all, \$61,780.

Mr. CANNON. Mr. Chairman, I make a point of order upon the words "three thousand five hundred dollars" in line 8, after the words "Chief of Bureau." The statutory salary is \$3,000.

Mr. WADSWORTH. Mr. Chairman, this is a case where the committee saw fit in their judgment to report an increase of the salary of scientist holding this position. The clause is subject to a point of order.

The CHAIRMAN. The Chair suggests to the gentleman from New York [Mr. WADSWORTH], as this clause is subject to a point of order, that he ask unanimous consent to change \$3,500 to \$3,000, making the sum conform to the salary as provided by law.

Mr. WADSWORTH. Very well, I ask unanimous consent for that purpose.

The CHAIRMAN. In the absence of objection, the appropriation in line 8, page 14, will be amended so as to read "\$3,000" instead of "\$3,500."

There was no objection.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLER of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 966. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3321. An act granting a pension to Patrick J. Murphy; and S. 715. An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference and had further insisted upon its amendments to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of Connecticut, Mr. DILLINGHAM, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4642. An act granting an increase of pension to Anne Dowery; and

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

The message also announced that the Senate had passed with amendment the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes; in which the concurrence of the House of Representatives was requested.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Plant Industry; vegetable, pathological, and physiological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetable and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate cangras and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of \$480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed \$2,000 per annum; all necessary office fixtures and supplies, and for other expenses connected with the practical work of the investigations, \$100,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 15 and 16, on page 16, strike out the words "in the city of Washington and" and insert, after the word "elsewhere," in line 16, the words "than in the city of Washington;" so as to read: "in conducting experiments elsewhere than in the city of Washington."

Mr. WADSWORTH. This is the same kind of an amendment which the gentleman from Illinois offered to the paragraph in regard to the Bureau of Animal Industry. I think the House understands the situation exactly, and it is unnecessary for me to say anything more.

Mr. CANNON. I wish to say only a word. A little while ago—

Mr. WILLIAMS of Mississippi. Before the question is debated, I want to make a point of order upon the amendment. I submit that it changes existing law.

Mr. CANNON. Not at all.

Mr. WILLIAMS of Mississippi. I make the point. It can be argued later.

Mr. CANNON. I am ready to argue it now. Wherein does it change existing law?

Mr. WILLIAMS of Mississippi. Because the existing law is just as this bill is.

Mr. CANNON. Oh, no.

Mr. WILLIAMS of Mississippi. This is the language of the previous appropriation.

The CHAIRMAN. The Chair will ask the gentleman from Mississippi [Mr. WILLIAMS] whether the clause which he cites in a previous appropriation bill does not expire with the termination of the year for which the appropriation was made?

Mr. WILLIAMS of Mississippi. Yes; I suppose it does.

The CHAIRMAN. This is for the year following.

Mr. CANNON. Mr. Chairman, these are, in effect, the same words which were voted down in regard to the Bureau of Animal Industry. I want to take the sense of the committee in regard to this Bureau of Plant Industry. I do not suppose that "sheep scab" can attack a plant in the city of Washington. I fancy that the other amendment was voted down because it was conceived that the Secretary of Agriculture ought to have the power to employ the lump sum appropriation to meet some animal disease in the city of Washington. If that was the reason, that reason does not apply in this case.

I undertake to say that you provided specifically in the previous appropriation for meeting all these diseases that it is necessary for the Department to meet. This lump sum ought not to be available to do anything more in that direction.

If this amendment be not adopted, observe what may take place. Some gentleman walks down to the Department and says, "Appoint me a clerk here in the Bureau of Plant Industry." He may be answered, "All the clerks specifically provided for have been appointed." Then he may turn to this indefinite appropriation of a lump sum and may say, "Oh, no; you may appoint all of these clerks that you please." Now, there is no such authority in any other Department, and there ought not to be in this.

Mr. HENRY of Connecticut. Mr. Chairman, the provision which the gentleman from Illinois proposes to strike out is even more important in reference to the Bureau of Plant Industry and the Bureau of Soils (to which we shall come shortly) than to the Bureau of Animal Industry. Under this provision scientific work is done all over the country by parties sent out from Washington during the summer months. That work is afterwards completed here in Washington. The employees come here and finish it up. To strike out these words, as proposed by the gentleman from Illinois, would certainly embarrass the work of these Bureaus.

Mr. GAINES of Tennessee. Mr. Chairman, what the gentleman from Connecticut [Mr. HENRY] has just said is accentuated by evidence which I hold in my hand—a letter from the Secretary of Agriculture, Mr. Wilson, which I will send to the desk and ask in a few moments to have read.

This letter was addressed to me a few days ago in reply to one I wrote Mr. Wilson since this bill was taken up. It shows that the reports of the employees of the Bureau of Soils are brought back, to use the words of Secretary Wilson, to be "digested at headquarters." The headquarters are in the city of Washington.

Employees of the Bureau of Soils are now going all over the country where tobacco is raised; they are bringing here to Washington specimens of the soil to be analyzed, so that the results may be embodied in their reports for the benefit of the farmers raising tobacco.

Now, if this amendment prevails—that is, if these words are stricken out, as suggested by the gentleman from Illinois [Mr. CANNON]—I should say this work will have to stop.

That department of the Bureau of Soils which is examining the tobacco fields of Illinois, Kentucky, Tennessee, Virginia, Connecticut, and Massachusetts and Pennsylvania—indeed, all over this country—will have to stop work, and yet, I am told, great

good will come from their work. Now, without saying more, I will ask the indulgence of the committee that this letter may be read, not only for the purpose of opposing the amendment of the gentleman from Illinois, but for the purpose of enlightening the House on what this "Bureau of Soils" is doing.

The Clerk read as follows:

#### WORK OF THE BUREAU OF SOILS.

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY.

BUREAU OF SOILS,

Washington, D. C., April 26, 1902.

SIR: Your letter of April 25 has been received in reference to the work of the Bureau of Soils in Tennessee. I beg to inform you that the Bureau of Soils had a party of experts in Tennessee for some time last summer and made a soil survey of the whole of Montgomery County, which is in the center of the tobacco district, covering an area of 547 square miles, or 350,210 acres.

The map showing the distribution of the different kinds of soils and the report describing these soils and the agricultural conditions and possibilities of the county are in the hands of the Public Printer now, to come out in the Report of the Field Operations of the Bureau of Soils for 1901, which will probably be ready for distribution next September.

Our soil-survey party was under the charge of Mr. J. E. Lapham, and worked in close harmony with the tobacco men of the district. They were particularly fortunate in having very cordial relations with Mr. M. W. Clark, of Clarksville, and a number of other leaf dealers and tobacco growers throughout the district.

That more was not heard of this work through the papers is accounted for by the fact that the Department works quietly in these matters until the results of the work are thoroughly digested and the economic points brought out by the survey are seen, when suggestions are made of improved methods that can be used, or of new crops and new interests that can be introduced. Our field parties are invariably instructed to go quietly about their work and to have as little as possible to say for publication while in the area, for their reports must all be reviewed and digested at headquarters before any authorized statements can be made as to the results of the work or as to recommendations.

In regard to the result of the survey, our experts have classified the soils in five types, viz:

Clarksville silt loam, covering 238,410 acres, or two-thirds of the county, is the most important soil, being the best tobacco land; adapted also to corn, wheat, grass, and other cereal and forage crops.

Clarksville clay loam, covering only about 27,430 acres of what is locally known as the "barrens," yields a fair grade of tobacco, but rather inferior to that grown on the Clarksville silt loam. It is adapted to corn and grass; also wheat. Drainage is not all that could be desired, and underdrainage would undoubtedly prove beneficial.

Clarksville stony loam, covering 66,450 acres, has a hilly and broken surface, and is generally unproductive. It produces an inferior grade of tobacco, but it is believed that this soil could be advantageously used for fruits of various kinds, and that it will find a high place for special industries which have been developed on soils of similar character in other localities.

Clarksville loam, covering 17,000 acres, occupies the river bottoms along the Cumberland and Red rivers. It is an excellent soil for corn and grass, but is not adapted to tobacco, and is not so valuable for wheat as some of the other soils. It is liable to overflow in times of general freshets.

Guthrie clay, covering 5,800 acres, occurs in basin-like depressions and low flat areas with poor drainage. The soil is cold and generally acid and poorly adapted to cultivated crops. It is suggested that with underdrainage the greater portion of this land could be improved and adapted to wheat and corn.

The results of the soil survey indicate that with improved methods of cultivation and selection of seed the tobacco grown in this district could be considerably improved. It also seems probable that more diversified farming would be beneficial, and that the fruit industry could be developed upon the Clarksville stony loam. Too little attention seems to be paid to the raising of provisions either for the markets or for family supplies.

It was originally intended to send a party to Tennessee this year to make a soil survey of the Pikesville sheet of the United States Geological Survey in Cumberland County, on the Cumberland plateau, but the pressure for the work of the soil survey has been so great that it is probable that this area can not be entered this season, as our appropriations will permit us to have out only about fifteen or sixteen parties, and we have had to arrange for these parties to work in about twenty-five States.

I inclose a statement of the assignment of the soil-survey parties for the field season of 1902, so that you can see where the work is to be done and how it has been necessary for us to assign parties to a State only for three or six months, instead of giving them the full field season, as economy of time and labor would suggest. This assignment has been tentatively made on the basis of my estimates, in which I have provided for an increase of 5 field parties over our last season's assignment.

The soil survey in Montgomery County was made as a basis for tobacco investigations such as we have been carrying on in the past in Connecticut, Massachusetts, Pennsylvania, Ohio, and Texas. It was my plan to increase the tobacco parties next year, and allowance was made for this in my estimates, but as these estimates have been considerably reduced by the committee I have abandoned all plans for extending the tobacco investigations, at least, on the 1st of July as I had intended, and it may be necessary to reduce somewhat the work of the soil survey.

We have made these soil-survey maps now in quite a number of the tobacco districts of the United States as preliminary to sending parties of tobacco experts to investigate the possibilities of improving the quality of the leaf grown, but the interests are so large and from so many sources that we can not hope to follow up closely the work of the soil survey with the tobacco parties unless our appropriations are considerably increased.

These tobacco parties cost about \$5,500 apiece, and the cigar interests, manufacturing tobacco interests, bright tobacco interests, and the export tobacco interests, are all clamoring for recognition. It rests with Congress entirely as to how rapidly this work can be developed, as we are ready now with a nucleus of trained observers to undertake the development of these lines of research to any extent that Congress may authorize.

In reference to your suggestion that the South has not benefited by the work of the soil survey, I beg to inform you that the work was carried on last year in Virginia, North Carolina, Tennessee, Georgia, Mississippi, Louisiana, and Texas. Soil maps have been prepared for all of those States, and you will see from the inclosed assignment card that work is planned this year in Virginia, North Carolina, Kentucky, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, and Arkansas.

We have tried to develop the work of the Bureau of Soils, as of the other bureaus and divisions, without regard to sectional or State lines, giving



regard only to the possibilities of doing efficient and practical work for the country where, in our opinion, we can do the most good.

Very respectfully,

Hon. JOHN W. GAINES,  
House of Representatives.

JAMES WILSON, Secretary.

During the reading of the foregoing letter the following proceedings occurred:

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the remaining portion of the letter be read.

Mr. WILLIAMS of Mississippi. I would like to inquire who wrote the letter?

Mr. GAINES of Tennessee. Mr. James Wilson, Secretary of Agriculture.

Mr. WILLIAMS of Mississippi. To whom did he write it?

Mr. GAINES of Tennessee. To me.

Mr. WILLIAMS of Mississippi. I think, Mr. Chairman, that it ought to be read.

Mr. GAINES of Tennessee. Now, Mr. Chairman, just a word—

The CHAIRMAN. The time of the gentleman has expired. Mr. GAINES of Tennessee. I move to strike out the last word. All this work has been done and is being done and it has to be all brought back here for final analysis to the city of Washington, and if the amendment proposed by the gentleman from Illinois prevails, it will result in destroying the whole undertaking of this Bureau for next year. We should see what this Bureau can do before we strike at it or repeal the law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended, so that the Clerk may finish reading the letter. Is there objection?

There was no objection.

The Clerk then concluded the reading of the letter.

Mr. GARDNER of New Jersey. Mr. Chairman, I rise simply for the purpose of making an inquiry at this time.

Mr. WADSWORTH. I will state to the gentleman from New Jersey that there is a motion pending. Let us dispose of that first, and then I shall be glad to give any information in my power.

Mr. GARDNER of New Jersey. Very well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment rejected.

Mr. GARDNER of New Jersey. Mr. Chairman, there were representatives of sundry associations, particularly of the American Cranberry Growers' Association, here to secure for their specific industry, as I understand it, special appropriations, particularly the Cranberry Growers' Association desiring a specific item of \$5,000 for the purpose of investigating the rot in that fruit. I would like to inquire if the committee took into consideration that specific request, and if the lump sum appropriated of \$100,000 was considered large enough to cover that item so that that work might be done.

Mr. WADSWORTH. I will state to the gentleman that the matter of the diseases of the cranberry was brought before the committee, and we thought the language in the lump-sum appropriation was broad enough to cover the diseases of all plants. The lump-sum appropriation of \$100,000 was deemed sufficient to cover everything that might come before the Department.

Mr. GARDNER of New Jersey. It was not so much the breadth of the language as the breadth of the appropriation that I inquired about.

Mr. WADSWORTH. This sum is raised \$38,000 from that of last year.

Mr. GARDNER of New Jersey. And was considered by the committee large enough to cover that item?

Mr. WADSWORTH. Yes.

The Clerk read as follows:

Arlington experimental farm: To enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, including employment of labor in the city of Washington or elsewhere, in accordance with the provisions of the act of Congress approved April 18, 1900, entitled "An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," which act shall be construed to confer upon the Secretary of Agriculture and his successors jurisdiction over the land in the Arlington reservation lying between the Georgetown and Alexandria road and the old bed of the Chesapeake and Ohio Canal and extending from the south line of the said reservation to a line beginning at a point on the east side of the public road and running thence at right angles with said road to the said canal bed, \$15,000.

Mr. WADSWORTH. Mr. Chairman, I move to amend by striking out, in line 5, all after the word "over" down to and including the word "bed," in line 10, and inserting the following, which I send to the Clerk's desk.

It seems that the description of the land in the bill is not correct. We have now quoted from the original law which set aside

that portion of the Arlington estate to the care of the Secretary of Agriculture.

The CHAIRMAN. The gentleman from New York moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "over," in line 5, page 22, down to and including the word "bed," in line 10, and insert in lieu thereof the following:

"So much of the Government land in Alexandria County, Va., known as the Arlington estate as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Va., otherwise called the Georgetown and Alexandria road, and between said road to the Potomac River, containing about 400 acres, with the exception, however, of a strip of land as follows: Commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side; thence along said road 625 yards; thence, in a line perpendicular to said road, to the Chesapeake and Ohio Canal; thence along said canal to the north line of the reservation."

The amendment was agreed to.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLET of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendment of the Senate numbered 9 to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 8,500 additional copies of Senate Document No. 282, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in 6 volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer as is now done for document slips with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other phraseology as the Secretary may direct; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, etc., emanating from the Department of Agriculture shall, when properly presented for mailing, be transmitted through the mails free without limit of weight, the same as printed or written official matter is now carried: *Provided also*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided further*, That \$20,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines,

cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests to be carried on with the cooperation of the agricultural experiment stations, \$270,000.

Mr. LOUD. Mr. Chairman, I desire to raise a point of order against the words, beginning with the word "provided," in line 8, page 24, down to and including the word "carried," in line 13. I think the chairman of the committee admits that it is subject to the point of order.

Mr. WADSWORTH. Mr. Chairman, I admit the point of order, but I also would like to strike out the provision on its merits, because since inserting it I have received a letter from the Postmaster-General which convinces me that the item should not have been inserted in the bill. I will not detain the committee by reading that letter, but I should like to have it printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print a letter in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 24, 1902.

Hon. JAMES W. WADSWORTH,  
Chairman of Committee on Agriculture,  
House of Representatives.

SIR: I have the honor to call your attention to the following proviso found upon page 24 of House bill (H. R. 13895) reported from the Committee on Agriculture on the 21st instant, namely:

"Provided, That all seeds, bulbs, plants, etc., emanating from the Department of Agriculture shall, when properly presented for mailing, be transmitted through the mails free without limit of weight, the same as printed or written official matter is now carried."

As this provision, if enacted into law, will change existing statute (modifying as it does the limit of weight of mail matter of the fourth class) and materially affect the conduct of the service in the matter of the receipt and transportation of articles which may be affected by it, I deem it advisable to call attention particularly to the matter and to the changes in the law and the practice of the Department which have resulted in the present status, and to point out to you that the enactment of this provision would be a reversion to conditions which this Department has at all times endeavored to relieve itself from, and which relief was partially secured by the enactment of the existing statute upon the subject.

Section 3874, Revised Statutes, limits the weight of mail matter as follows: "No package weighing more than 4 pounds shall be received for conveyance by mail, except books published or circulated by order of Congress."

Under this statute the postal service was not burdened by the receipt and transmission of matter which either in its nature or in its bulk was more adapted to transportation by freight than by mail.

By the act of March 3, 1879 (20 Stats., 360), this section was amended so as to declare the limit of weight to be 4 pounds for each package, "except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress or official matter emanating from any of the departments of the Government or from the Smithsonian Institution."

The exceptions to the 4-pound limit in the above amendment were clearly defined, except with reference to "official matter." Inasmuch as it was in the province of each department of the Government to determine for itself what was to be regarded by it as its "official matter," there was considerable difference of opinion between the Post-Office Department and other Executive Departments with reference to the proper construction of that portion of the amendment, the Post-Office Department desiring to limit the construction to apply to such matter as is generally known or conceded to be mail matter; that is, matter that would naturally be sent by mail, while other Executive Departments inclined to include within the meaning of the term matter which either by its nature or by its bulk and weight was more properly the subject for transportation by freight.

This resulted in much embarrassment and inconvenience to the postal service, and upon proper representations relative thereto, made by this Department to the Committees on Post-Offices and Post-Roads in the two Houses of Congress, that body amended the then existing provision by the enactment of June 8, 1896, "An act to regulate mail matter of the fourth class." (29 Stats., 262.) This act, so far as pertinent to this inquiry, reads as follows:

"That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government or from the Smithsonian Institution." \* \* \*

While this act did not divest matter which was obviously of a character more related to freight than to mail of its classification as mail matter, it did have the effect of limiting the matter which can be transported in the mails in packages exceeding 4 pounds in weight to "printed or written official matter emanating from any department of the Government or from the Smithsonian Institution."

The practice under this statute has resulted largely in relief of the postal service from the receipt and transmission by mail of large and bulky articles sent out by the Executive Departments, though it is still considerably inconvenienced by the frequent offer for transmission of such matter as seeds in larger packages than authorized by the statute which has been the subject of much correspondence between this Department and the Department of Agriculture.

Your attention is called to the fact that if the provision in the bill under consideration should become law it will, as far as the subject-matter involved is concerned, undo the results of the past efforts of this Department in the direction of a better classification and definition of fourth-class mail matter and the facilitation of the handling and prompt dispatch of other mails by the elimination of large and bulky packages.

Not only will this be the result, but the general terms used in the provision are so broad, as well as indefinite in some respects, that their interpretation by the Agricultural Department in their most liberal sense will subject the postal service to all the old abuses with reference to the transportation of implements, equipments, etc., from which the postal service suffered so much before the enactment of 1896. This Department deems it very important that this step be not taken.

The postal service does not propose to receive and transport matter which is, by its nature or by reason of the manner of its presentation, more properly classed as freight, nor has it the facilities for receiving or handling the same. It is not deemed expedient to make any exception in favor of any one class of articles, nor of any one department in the matter of the limit of weight of articles presented for handling in the mails.

It might be suggested that in the absence of a custom determining the same it is questionable whether such matter as is under consideration can properly be termed mail matter in any event. What is mail matter or official mail matter, within the intention of this statute, has not been defined otherwise than by a custom. In the absence of statute or custom it might well be contended that it should not include any matter excepting that which would naturally be sent by mail under ordinary circumstances by the public, and should not apply to articles that, by their nature or by reason of their bulk, can more properly be sent by freight and handled by railroad employees who are supplied with appliances, such as trucks, etc., for the handling of freight matter.

It has for some time been the purpose of this Department to eliminate from the mails, as far as practicable, all matter originating from its own service or its branches which must be presented and transported in bulky packages, and to provide for its transportation by the ordinary means of freight. In pursuance of this policy, and in accordance with statutory authorization, arrangements have been made for the transportation of postal cards and stamped envelopes between the postal card and the stamped envelope agencies and the large cities, and for the transportation of mail equipment between the larger post-offices of the country.

It would seem to be very proper for Congress to authorize the transportation of large and bulky packages and shipment of the matter now under consideration in the same manner as it has authorized the transportation by freight of the matter above referred to instead of providing for a manner of shipment through the mails, which will, in the opinion of this Department, seriously inconvenience the conduct of the postal service.

Very respectfully,

H. C. PAYNE, Postmaster-General.

Mr. LOUD. I have no objection to the gentleman striking out the provision.

The CHAIRMAN. Is the point of order withdrawn?

Mr. LOUD. I do not like to withdraw the point of order and then have the chairman of the committee beat me. I think it had better go out on the point of order.

Mr. WADSWORTH. Very well; let it go out on the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from California [Mr. LOUD].

Mr. ROBERTS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 6, page 24, after the word "direct," insert:

"Provided, That the relative proportion of vegetable, flower, and other seeds allotted to any district shall be determined by the Secretary of Agriculture, in accordance with the written request of the Senator, Representative, or Delegate entitled to the same, filed with him at least sixty days prior to the time of advertisement for the purchase of such seeds: *Provided, however,* That the total cost of the seeds furnished under such written request shall not exceed the cost of the seeds that would otherwise be allotted to such Senator, Representative, or Delegate in Congress; nor shall the allotment of flower seeds of any other district be thereby curtailed."

Mr. ROBERTS. Mr. Chairman, as a part of my remarks, and to be taken out of my time, I desire the following document to be read by the Clerk.

The Clerk read as follows:

ODE TO CONGRESSMAN ROBERTS.

Oh, ROBERTS, ERNEST ROBERTS, in D. C. far away,  
I have received from you a letter, or a package, I should say,  
And puzzled am I greatly to find out how I may  
Thank you for this favor, which came postpaid to-day.

Did you mistake my calling, and, not meaning any harm,  
Think that I was toiling upon some backwoods farm  
Where I needed seed for onions, for cucumbers, and beans,  
And a good receipt for raising prime dandelion greens?

I wonder if you are obliged to send these seeds by law;  
The seed for grape and rye and corn, the first I ever saw.  
If not, to do it would be a parliamentary abuse;  
Then send the kind of seed that would raise them in the juice.

Next time you send me samples of seed from Uncle Sam—  
Things for which I have no use and do not care a —  
(Spinach, greens, and kidney beans will never cure our ills)—  
Send us seed for raising Carter's little liver pills.

But, oh, an afterthought has struck me, and it fills my soul with grief;  
Did you send them to me because of the advanced price of beef,  
Thinking it had gone up quite beyond my means  
And that hereafter I would have to live on pork and beans?

Oh, ROBERTS, ERNEST ROBERTS, I don't intend to die yet,  
But if beef goes up so high that I can't afford to buy it,  
And, through rigid economy, I am obliged to diet,  
I will get a hoe and dig a hole and plant your stuff and try it.

Oh, ROBERTS, ERNEST ROBERTS, at these lines don't take alarm,  
But send your seeds to some poor cuss who's living on a farm.  
I never was in favor of making garden truck my feed,  
While there are lots of folks who are in need of seed.

Oh, ROBERTS, ERNEST ROBERTS, in D. C. far away,  
I hardly know what to do with the stuff I got to-day.  
I am fearful, should I eat it, that I would have a cramp;  
I almost wish you had inclosed a return stamp.

Mr. WADSWORTH. Mr. Chairman, I think we had better rise and consider that overnight.

Mr. ROBERTS. I have two minutes.

I want to say to the members of this committee that the sentiment in that rhyme portrays quite faithfully the state of mind of constituents in the city districts who get packages of vegetable seeds. I want to send to the Clerk's desk and ask to have read a



very short letter, which will give the other side—not the vegetable side, but the flower side.

The Clerk read as follows:

LYNN, MASS., April 16, 1902.

Mr. ROBERTS.

DEAR SIR: I am writing to ask you if you would kindly send me some flower seeds. I am 12 years old and go to the Burrill Grammar School, Lynn. I am in the sixth grade. My teacher's name is Miss Moran.

I am very fond of flowers, and am going to have a plot of ground for myself this summer.

I hope to have a great many flowers, so that I can give them to sick people.

I remain, yours, truly,

JESSIE BRITNER.

77 Wyman Street, Lynn, Mass.

Mr. ROBERTS. Now, Mr. Chairman, I suggest that these two documents present as concisely and as tersely as can be presented the reasons why city members should have the privilege of indicating to the Secretary of Agriculture, a sufficient time in advance of his purchase of seeds, the kinds they desire, either of flower or vegetable. I will say for the information of the committee that the Secretary of Agriculture told me a year ago, when this bill was under discussion, that the money cost of a package of vegetable seeds was greater than a package of flower seeds; so if the committee should see fit to adopt the amendment I have offered, it will not at all interfere with any member on this floor, and it would also be something in the way of saving to the Government in the matter of the expense for seeds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I have no objection, if the committee wishes to consider the amendment.

Mr. RICHARDSON of Tennessee and several others. Let us rise.

Mr. WADSWORTH. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13895, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

#### RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, April 23, 1902.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MORRELL for two days, on account of death in his family.

#### CHINESE-EXCLUSION BILL.

Mr. HITT. Mr. Speaker, I call up the conference report on the Chinese bill that came from the Senate a moment since, and ask to have it considered by the House.

The SPEAKER. The gentleman from Illinois calls up the conference report.

Mr. HITT. I submit the statement of the managers on the part of the House.

The SPEAKER. Is there a statement?

Mr. HITT. There is.

The SPEAKER. Does the gentleman desire the report and statement read?

Mr. HITT. Yes.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14, of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September 13, 1888, be, and the same are

hereby, reenacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers not citizens of the United States from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

"SEC. 2. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time change such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued, and of the treaty of December 8, 1894, between the United States and China, and, with the approval of the President, to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

"SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits, or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

"SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year."

And the Senate agreed to the same.

R. R. HITT.

J. B. PERKINS.

CHAMP CLARK,

Managers on the part of the House.

O. H. PLATT.

WM. P. DILLINGHAM,

A. S. CLAY,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 13031 submit the following written statement of the effect of the action agreed upon and recommended in the accompanying conference report.

The conference report as read indicates exactly how the statute will read if enacted as agreed upon.

R. R. HITT.

J. B. PERKINS.

CHAMP CLARK.

Mr. HITT. Mr. Speaker, the House is so familiar with the question of Chinese exclusion and all that related to it in the details of the House bill so long debated on this floor that I will not detain members in explanations, except to say that the Senate amendment or substitute endeavored to do in brief what the House had labored to accomplish by a very long bill—to continue and reenact the various existing laws excluding Chinese laborers. In the numerous discussions in conference over this disagreement between the two Houses we who were House conferees objected to a condition which the Senate had inserted, limiting the time to which these laws should be extended and in force to the year 1904, the date of the termination of the existing treaty, or to 1914, the time to which that treaty might be extended; and we also objected to other minor provisions, which I will not go over.

That time limit was unsatisfactory, especially to the gentlemen on this floor representing those western parts of the United States, where the Chinese laborers are found in great numbers. Your conferees have steadfastly resisted the incorporation of those words into this law, and to-day the Senate conferees, after many conferences day after day, yielded, so that the only words left of this limitation, after the declaration of the continuance of the existing laws, are that they shall extend so far as is not inconsistent with treaty obligation until otherwise provided by law.

This measure further prohibits immigration of Chinese laborers into our insular possessions, and the passage of the Chinese from the islands to our mainland is forbidden.

The provision in the Senate bill requiring Chinese laborers in the Philippines to procure certificates through a system of United States officers delegated and appointed from Washington is stricken out and the provision in the House bill is adopted, that all this should be done by those appointed by the Philippine Commission, already on the ground. This, in brief, is the short

Chinese-exclusion bill on which we have agreed and which I think all gentlemen who have kept pace with this long discussion will agree is the essence of all that was desired and needed and substantially that for which the House contended.

The SPEAKER. The question is on agreeing to the conference report.

The question was considered; and the conference report was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 11112. An act granting an increase of pension to S. Agnes Young;
- H. R. 13066. An act granting an increase of pension to Obed D. Jasper;
- H. R. 12550. An act granting an increase of pension to James E. Horton;
- H. R. 6205. An act granting an increase of pension to Richmond M. Curtis;
- H. R. 4426. An act granting an increase of pension to Daniel Sims;
- H. R. 2660. An act granting an increase of pension to Henry Runnebaum;
- H. R. 2599. An act granting an increase of pension to John Hall;
- H. R. 282. An act granting an increase of pension to John O'Rourke;
- H. R. 6356. An act granting an increase of pension to William G. Taylor;
- H. R. 5789. An act granting an increase of pension to Joseph Seithen;
- H. R. 4543. An act granting an increase of pension to George W. Parker;
- H. R. 10361. An act granting an increase of pension to Alex. Scott;
- H. R. 9144. An act granting an increase of pension to James R. Wilson;
- H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;
- H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;
- H. R. 7116. An act granting an increase of pension to Alex. F. McConnell;
- H. R. 11091. An act granting an increase of pension to James Cooley;
- H. R. 9952. An act granting a pension to William P. Featherstone;
- H. R. 9370. An act granting an increase of pension to John J. Wolfe;
- H. R. 12504. An act granting a pension to James B. Hashbargar;
- H. R. 11977. An act granting a pension to Sidney Cable; and
- H. R. 11168. An act granting an increase of pension to Isaac Phipps.

The SPEAKER announced his signature to enrolled bills of the following titles:

- S. 4969. An act granting an increase of pension to Abbie George;
- S. 4749. An act granting an increase of pension to Eunice A. Smith;
- S. 4740. An act granting an increase of pension to Maria L. Godfrey;
- S. 4658. An act granting an increase of pension to Charles I. Rand;
- S. 4650. An act granting an increase of pension to Delania Ferguson;
- S. 4619. An act granting an increase of pension to Clifford Neff Fyffe;
- S. 4535. An act granting an increase of pension to Lydia M. Granger;
- S. 4514. An act granting an increase of pension to Mary Beals;
- S. 4381. An act granting an increase of pension to John S. Robinson;
- S. 4335. An act granting an increase of pension to John Brown;
- S. 4111. An act granting an increase of pension to Abner J. Pettee;
- S. 4056. An act granting an increase of pension to Minerva Nelson;
- S. 3991. An act granting an increase of pension to Waity West;
- S. 3820. An act granting an increase of pension to Warren B. Nudd;
- S. 4042. An act granting an increase of pension to William H. Norton;
- S. 3672. An act granting an increase of pension to James Scanell;
- S. 3634. An act granting an increase of pension to Elizabeth A. Capehart;

- S. 3633. An act granting an increase of pension to Samuel L. Leffingwell;
- S. 3519. An act granting an increase of pension to Charles L. Cummings;
- S. 3472. An act granting an increase of pension to Zeno T. Griffin;
- S. 3334. An act granting an increase of pension to Thomas E. James;
- S. 3321. An act granting a pension to Patrick J. Murphy;
- S. 3252. An act granting an increase of pension to Jesse W. Bice;
- S. 3217. An act granting an increase of pension to Charles Dixon;
- S. 3108. An act granting an increase of pension to Inez E. Perrine;
- S. 2971. An act granting an increase of pension to Silas D. Strong;
- S. 2943. An act granting an increase of pension to Thomas S. Rowan;
- S. 2805. An act granting an increase of pension to Anna L. Cory;
- S. 2738. An act granting an increase of pension to James W. Hankins;
- S. 2533. An act to remove the charge of desertion against Frederick Schulte or Schuldt;
- S. 2455. An act granting an increase of pension to Genevieve Almira Sprigg Ludlow;
- S. 2346. An act granting a pension to Amanda C. Bayliss;
- S. 2305. An act granting an increase of pension to Lemuel Grove;
- S. 1881. An act to correct the military record of Peter Connell;
- S. 1814. An act granting an increase of pension to Anna E. Luke;
- S. 1643. An act granting an increase of pension to Ellen J. Clark;
- S. 1638. An act granting a pension to John R. Homer Scott.
- S. 1629. An act granting an increase of pension to James W. Humphreys;
- S. 1625. An act granting an increase of pension to Jethro M. Getman, alias James M. Getman;
- S. 1363. An act granting an increase of pension to James A. McKeehan;
- S. 694. An act granting a pension to James Caton;
- S. 899. An act granting an increase of pension to George F. Bowers;
- S. 636. An act to remove the charge of desertion against David A. Lane;
- S. 324. An act granting an increase of pension to Nellie Loucks;
- S. 319. An act granting a pension to Ida M. Warren; and
- S. 234. An act granting an increase of pension to James Frey.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

- S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year—to the Committee on the Judiciary.

- S. 4642. An act granting an increase of pension to Annie Dowery—to the Committee on Invalid Pensions.

#### Senate concurrent resolution 41.

*Resolved by the Senate (the House of Representatives concurring).* That there be printed and bound in cloth 3,500 additional copies of Senate Document No. 232, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General—to the Committee on Printing.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

- H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic;

- H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same;

- H. R. 12468. An act granting an increase of pension to Phineas Curran;
- H. R. 1012. An act granting an increase of pension to Patrick Moran;
- H. R. 1086. An act granting an increase of pension to Francis W. Pool;



H. R. 1742. An act granting an increase of pension to Alonzo Lewis;  
 H. R. 4129. An act granting an increase of pension to Lonson R. Burr;  
 H. R. 5170. An act granting an increase of pension to Frederick Wright;  
 H. R. 5560. An act granting an increase of pension to Annie L. Evens;  
 H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;  
 H. R. 7994. An act granting an increase of pension to Margaret M. Grant;  
 H. R. 9494. An act granting an increase of pension to Mary A. Andress;  
 H. R. 10173. An act granting an increase of pension to Richard Trist;  
 H. R. 10179. An act granting an increase of pension to Theron R. Mack;  
 H. R. 10449. An act granting an increase of pension to Sarah H. Lake;  
 H. R. 10795. An act granting an increase of pension to William A. Campbell;  
 H. R. 11545. An act granting an increase of pension to Caroline R. Boyd;  
 H. R. 12370. An act granting a pension to Ida M. Briggs;  
 H. R. 4008. An act granting a pension to Christopher Columbus Sheets;  
 H. R. 4945. An act granting a pension to Shadrack I. Corbett;  
 H. R. 4994. An act granting a pension to Lydia Carr;  
 H. R. 5150. An act granting a pension to Mary C. Trask;  
 H. R. 7678. An act granting a pension to Mary Holmes;  
 H. R. 8349. An act granting a pension to John Watts;  
 H. R. 9625. An act granting a pension to Elizabeth L. Beckett;  
 H. R. 11895. An act granting a pension to Thomas Holloway;  
 H. R. 3379. An act to correct the military record of Calvin A. Rice;  
 H. R. 13575. An act to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4;  
 H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.  
 H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;  
 H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes;  
 H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;  
 H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company, of Mississippi, to build and maintain a railway bridge across Pearl River;  
 H. R. 11096. An act to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor;  
 H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.; and  
 H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.  
 Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.  
 The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements and repairs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with the draft of a bill, recommendations in relation to relinquishment of a strip of land to the town of Winthrop, Mass.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, relating to an accumulation of useless papers in the War Department—to the Joint Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, reported the same with amendments, accompanied by a report (No. 1793); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 1794); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10412) for the payment to Henry B. Davis of balance due him for surveying public lands, reported the same without amendment, accompanied by a report (No. 1795); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 3401) for the relief of H. Glafcke, reported the same without amendment, accompanied by a report (No. 1796); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased, reported the same with amendments, accompanied by a report (No. 1797); which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14042) granting an increase of pension to George W. Edgington, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. POWERS of Massachusetts: A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 14048) to further amend the act entitled "An act to regulate commerce," approved February 4, 1887, and the acts relating thereto, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 14049) to amend an act entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: A resolution (H. Res. 230) inquiry regarding alleged orders of Gen. Jacob H. Smith to kill and destroy in the island of Samar—to the Committee on Military Affairs.

By Mr. BURLESON: A resolution (H. Res. 231) regarding alleged orders of Gen. Jacob H. Smith to kill and destroy in the island of Samar—to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS: A bill (H. R. 14052) granting an increase of pension to George Fusselman—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 14053) granting increase of pension to Gilbert Stickles—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 14054) granting an increase of pension to Nathaniel C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14055) granting an increase of pension to Samuel Brown—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 14056) for the relief of George Killeen—to the Committee on Claims.

By Mr. COONEY: A bill (H. R. 14057) granting an increase of pension to Caroline Coleman—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 14058) granting a pension to Maj. Emil Pfeiffer—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 14059) granting an increase of pension to Anton Mazzanovich—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 14060) granting a pension to Mrs. Catharine McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14061) granting an increase of pension to Joseph McFarland—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 14062) granting an increase of pension to James Elliott—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14063) granting an increase of pension to Thomas Hartley—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14064) granting an increase of pension to Oliver M. Gilliam—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14065) for the relief of the estate of C. L. Davis, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 14066) granting a pension to Merton C. Sanborn—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 14067) granting an increase of pension to John Wright—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 14068) to remove the charge of desertion from the record of Darwin Wales—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 14069) granting a pension to John Adair—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14070) for the relief of John A. Meroney—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 14071) to remove the charge of desertion from the record of Silas Danley—to the Committee on Military Affairs.

By Mr. SNODGRASS: A bill (H. R. 14072) granting an increase of pension to Elijah Watters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14073) for the relief of the legal representatives of Gincey Edwards—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 14074) to correct the military record of Daniel Burns—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 14075) for the relief of W. D. Aston—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 14076) for the relief of Bianca L. Bell—to the Committee on Claims.

Also, a bill (H. R. 14077) for the relief of John C. Lynch—to the Committee on Claims.

By Mr. YOUNG: A bill (H. R. 14078) granting a pension to Ellwood I. Beatty—to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 14079) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of the Arkansas Valley Live Stock Association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. BENTON: Petition of H. H. Johnson for increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Nathaniel C. Davis—to the Committee on Invalid Pensions.

Also, resolutions of Typographical Union of Carthage, Mo., and Central Labor Union of Joplin, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROWNLOW: Petition of George Killeen, to accompany House bill for his relief—to the Committee on Claims.

By Mr. CALDERHEAD: Petition of J. H. Gist, of Rhinehart, Kans., favoring the new oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of National Business League of Chicago, Ill., for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

By Mr. CASSEL: Resolution of Bricklayers' Union No. 6, of Lancaster, Pa., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

Also, resolutions of George H. Thomas Post, No. 84, Grand Army of the Republic, Lancaster, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of John M. Quinn and 40 other citizens of New York City and vicinity, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolution of the Bricklayers' general executive board of Greater New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. EMERSON: Petitions of citizens of Clinton and Chateaugay, N. Y., asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

Also, resolutions of Horse Nail Makers' Union No. 9656, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolution of the Wisconsin Conference of the Evangelical Association, in session at Monroe, Wis., favoring the improvement of the post-exchange system as relating to literature and gymnasiums—to the Committee on Military Affairs.

By Mr. EVANS: Paper in support of bill to increase the pension of Joseph McFarland—to the Committee on Invalid Pensions.

Also, a resolution of Mine Workers' Unions of Defiance, Hopewell, Garrett, and Sixmile Run, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Emery Fisher Post, No. 30, of Johnstown, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Petition of merchants of Nashville, Tenn., urging the passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Petition of citizens of Springfield, Mass., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GROSVENOR: Resolutions of Mine Workers' Unions of Gloucester and Mineral, and Lithographer's Association No. 19, of Coshocton, Ohio, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Resolution of Central Labor Union of Boonville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: Petition of citizens of Taylor County, Iowa, in support of House bill granting an increase of pension to James Elliott—to the Committee on Invalid Pensions.

By Mr. HILL: Papers to accompany House bill granting a pension to John Miller—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the San Francisco Chamber of Commerce, Manufacturers and Producers' Association of California, and the Board of Trade of San Francisco, Cal., favoring the payment of the claim of citizens of Hawaii whose property was destroyed in the effort to suppress the bubonic plague in December, 1899, and during the year 1900—to the Committee on the Territories.

Also, resolutions of San Francisco Lodge, No. 68, Association of Machinists, and the San Francisco Labor Council, favoring House bill 3076, known as the eight-hour law—to the Committee on Labor.

Also, resolutions of board of directors of the Southern California Fruit Exchange, in favor of the irrigation bill—to the Committee on Irrigation of Arid Lands.

Also, petition of officers of the National Guard of California, for the passage of House bill 9972—to the Committee on the Militia.

Also, resolutions of Union League Club, City Front Federation, Horse Shoers' Association, Master Painters' Association, and



Brotherhood of Railway Employees, all of San Francisco, Cal., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KERN: Petitions of Hy. F. Stumpf, of Waterloo, and William Ebers, of Bremen, Ill., favoring House bill 9206—to the Committee on Agriculture.

By Mr. LANHAM: Resolutions of Lodge No. 20, Locomotive Firemen, of Paris, Tex., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. McCALL: Petition of citizens of Somerville, Mass., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of the Northwestern Manufacturers' Association, the Commercial Club, and the Jobbers' Union, of St. Paul, Minn., indorsing legislation for the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Northwestern Manufacturers' Association, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of Release Lodge, No. 579, Brotherhood of Locomotive Firemen, Montevideo, Minn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Petition of residents of Danvers, Mass., favoring House bills 11535 and 11536, for the protection of birds—to the Committee on Agriculture.

Also, petition of the Sons of Poland, of Salem, Mass., favoring the erection of a monument to Count Pulaski—to the Committee on the Library.

By Mr. NEVILLE: Petitions of W. W. Fought, W. F. Miles, A. F. Maloy, and other citizens of Deuel County, Nebr., opposing the leasing of public lands—to the Committee on the Public Lands.

Also, paper to accompany House bill 5171, for the relief of Catherine Grace—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: Petition of John H. Hollingsworth, jr., of Limestone County, Ala., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. ROBINSON of Louisiana: Petition of Louis V. Porche, of Point Coupee, La., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of the New York Produce Exchange, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Division No. 54, Order of Railway Conductors, Bohemian Typographical Union, No. 131, New York Hackmen's League, and Sixth Branch, Amalgamated Society of Carpenters, all of New York City, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of Missouri, Kansas, and Oklahoma Association of Lumber Dealers, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Resolutions of Carpenters' Union No. 945, of Jefferson City, Mo., in favor of the exclusion of Chinese laborers, etc.—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petitions of the Patriotic Order of Sons of America, Camp No. 15, of Denver, Colo., and citizens of Lake County, Colo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of German-American Central Verein, Denver, Colo., against any proposition to restrict the immigration of healthy and honest persons—to the Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce and citizens of Cripple Creek, Colo., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' Union of Leadville, Colo., in regard to employees in navy-yards and for the enforcement of the eight-hour law—to the Committee on Naval Affairs.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Unions No. 757, of Elkville, and No. 1880, of Marion, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SNOOK: Petition of Jennie Burns, to accompany House bill to amend the military record of Daniel Burns—to the Committee on Military Affairs.

By Mr. SNODGRASS: Petition of Gincey Edwards, of Sumner County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPIGHT: Papers to accompany bill for the relief of W. D. Aston—to the Committee on War Claims.

By Mr. SULZER: Resolutions of Local Assembly No. 6909,

Knights of Labor, Brooklyn, N. Y.; New York Produce Exchange, and executive committee of bricklayers' unions of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Baltimore Typographical Union No. 12, and of Central Trades and Labor Council of New Orleans, La., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

Also, resolutions of the Merchants' Association of New York, urging reciprocity with Cuba upon the basis of not less than 40 per cent reduction—to the Committee on Ways and Means.

Also, resolutions of the Thirteenth Club of the City of New York, in opposition to sending a special embassy to attend the coronation of King Edward VII—to the Committee on Foreign Affairs.

Also, petition of W. J. Quinn, Dr. F. W. Grube, and others, of New York City, for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same association, in relation to the ship-subsidy bills—to the Committee on Interstate and Foreign Commerce.

By Mr. TIRRELL: Resolutions of Bay State Lodge No. 73, Brotherhood of Locomotive Firemen, of Worcester, Mass., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petition of the American Wireless Telephone and Telegraph Company, for the extension of patent No. 350299—to the Committee on Patents.

Also, petition of Encampment No. 33, Union Veteran Legion, urging the passage of a service pension bill—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, April 29, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Columbia Institution for the Deaf and Dumb submitting an estimate of appropriation to provide for suitable protection against disaster by fire to the buildings of that institution, \$3,291; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### THE REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of the division of Revenue-Cutter Service submitting an additional estimate of appropriation, \$115,000, to meet the requirements in the matter of longevity pay for officers of the Revenue-Cutter Service for the fiscal year ending June 30, 1903, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### C. M. BROADWAY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of C. M. Broadway, administrator of Jordan Broadway, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

The message also returned to the Senate, in compliance with its request, the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.